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THE CONSOLIDATED  
MUNICIPAL ACT, 1892

AND

THE CONSOLIDATED  
ASSESSMENT ACT, 1892.

BEING CHAPTERS 42 AND 48 OF 55 VICTORIA.



34,334  
31, 8. 37.

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1892.



# AN ACT

TO CONSOLIDATE THE

## ACTS RESPECTING MUNICIPAL INSTITUTIONS.

BEING CHAPTER 42 OF 55 VICTORIA.

[Assented to 14th April, 1892.]

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PRELIMINARY.

1. This Act may be cited as "*The Consolidated Municipal Act, 1892.*" Short title.

2. Where the words following occur in this Act, or in the schedule thereto, they shall be construed in the manner herein- Interpretation of words.  
after mentioned, unless a contrary intention appears :

- “Municipality.” 1. “Municipality,” shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act;
- “Local Municipality.” 2. “Local Municipality,” shall mean a city, town, township, or incorporated village;
- “Council.” 3. “Council,” shall mean the municipal council or provisional municipal council, as the case may be;
- “County.” 4. “County,” shall mean county, union of counties, or united counties, or provisional county, as the case may be;
- “Township.” 5. “Township,” shall mean township, union of townships or united townships, as the case may be;
- “County Town.” 6. “County Town,” shall mean the city, town, or village in which the assizes for the county are held;
- “Land,”  
“Real estate.”  
“Real property.” 7. “Land,” “Lands,” “Real Estate,” “Real Property,” shall, respectively, include lands, tenements and hereditaments, and except in actions now pending shall include any interest or estate therein, or right or easement affecting the same;
- “Highway.”  
“Road.”  
“Bridge.” 8. “Highway,” “Road,” or “Bridge,” shall mean a public highway, road, or bridge, respectively;
- “Electors.” 9. “Electors,” shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, in the municipality, ward, polling subdivision, or police village, as the case may be;
- “Reeve.” 10. “Reeve,” shall include the deputy-reeve or deputy-reeves, where there is a deputy-reeve for the municipality, except in so far as respects the office of a Justice of the Peace;
- “Next day.” 11. The words “next day” shall not apply to, or include Sunday or statutory holidays. R. S. O. c. 184, s. 2.

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## PART I.

### MUNICIPAL ORGANIZATION.

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#### TITLE I.—INCORPORATION.

#### TITLE II.—NEW CORPORATIONS.

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#### TITLE I.—INCORPORATION.—*Secs. 3-8.*

Existing  
municipal  
corporations  
continued.

3. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. R. S. O. c. 184, s. 3.

4. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, as continued under and subject to the provisions of this Act. R. S. O. c. 184, s. 4.

Heads, officers, by-laws, contracts, etc., continued.

5. The name of every body corporate (not being a provisional corporation, continued, or erected under this Act, shall, be "*The Corporation of the County, City, Town, Village Township, or United Counties, or United Townships*, (as the case may be), of     " (naming the same). R. S. O. c. 184, s. 5.

Names of municipal corporations.

6. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of "*The Provisional Corporation of the County of*     " (naming it). R. S. O. c. 184, s. 6.

Names of provisional corporations.

7. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships, if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. R. S. O. c. 184, s. 7.

Inhabitants of counties, townships, etc., and of cities, towns, etc., to be a body corporate.

8. The powers of every body corporate under this Act shall be exercised by the council thereof. R. S. O. c. 184, s. 8.

Corporate powers to be exercised by council.

## TITLE II.—NEW CORPORATIONS.

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DIV. II.—TOWNS AND CITIES.

DIV. III.—TOWNSHIPS.

DIV. IV.—COUNTIES.

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DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF  
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*Sec. 11.*

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*Reductions of area. Sec. 15.*

*Annexation of incorporated Village to adjoining Municipality. Sec. 16.*

*Setting apart unincorporated Village. Sec. 17 (1).*

*Powers of Township in relation thereto. Sec. 17 (2-4).*

When population 750, county council may incorporate as a village, and name the place and returning officer for first election.

9.—(1) When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than 100 resident freeholders and householders of the village and neighbourhood, of the age of twenty-one years and over, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same. R. S. O. c. 184, s. 9; 54 V. c. 42, s. 1.

Incorporation of village within one mile of city of 100,000 population.

(2) In case the territory sought to be incorporated, or any part thereof lies within one mile of the limits of a city having a population of 100,000 and upwards, the petition shall be signed by not less than two-thirds of the freeholders and householders, of the age of twenty-one years and over, whose names appear on the last revised assessment roll, and who have been resident within the territory sought to be incorporated for at least four months immediately prior to the signing of said petition, within the district sought to be incorporated, and of whom not fewer than one-half shall be freeholders.

(3) If the district sought to be incorporated, or any part thereof has been laid out in lots on a registered plan, each petitioner shall state the number of the lot on said plan owned or occupied by him, and shall further set out whether he is a freeholder or a householder.

(4) No by-law shall be passed under this section unless the petition therefor shall have been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice shall have, within two months previous to the meeting of the council at which the same shall be considered, been published at least once a week for two successive weeks in some news-

paper at or nearest to the locality sought to be incorporated, and such notice shall set forth a description of the area intended to be embraced in the village. 54 V. c. 42, s. 2.

**10.**—(1) No town or village incorporated after the passing of this Act, the population of which does not exceed 1000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land. Area of town or village limited.

(2) No town or village already or hereafter incorporated, and containing a population exceeding 1000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1000 souls, subsequent to the first 1000. Regulations as to enlargement of area.

(3) In the case of towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1000 souls, and 200 acres for every subsequent additional 1000, then in such cases the said towns or villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area. Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of a town or village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of such town or village. R. S. O. c. 184, s. 10. How population and area may be reckoned.

**11.** In cases where an incorporated village is separated from the township or townships in which it is situate, the provisions of this Act for the disposition of the property, and payment of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships, and the councils of such village and township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. R. S. O. c. 184, s. 11. Disposition of property and payment of debts when incorporated village is separated from township.

**12.**—(1) When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant-Governor shall, by proclamation, annex the village to one of such counties. When the village lies within two or more counties, it shall be annexed to one of them by the county councils or, in case of difference, by the Lieutenant-Governor.

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

(2) In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor in Council as aforesaid, then 100 of the freeholders and householders on the census list may petition the Lieutenant-Governor in council to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated village to one of the counties. R. S. O. c. 184, s. 12.

Liability of territory detached from one county and annexed to another.

**13.—**(1) In case a locality is, under section 12 of this Act, detached from one county and annexed to another, the council of the county to which the locality is annexed and the council of the village shall agree with the council of the county from which the locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached and the times of payment thereof.

(2) If the councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids granted by sections of the county to railways, or for the payment of local improvement debts.

(3) The council of the county or of the village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such council has previously paid the amount to the municipality so liable, pay over the same when collected to the municipality which is liable for the debt on account of which the rates were imposed.

(4) Where the councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the village, and with the assent of at least two of the councils of the townships in which the village is situate, annul the incorporation of the village and restore the same to its former position as an unincorporated village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. R. S. O. c. 184, s. 13.

Addition to villages by Lieutenant-Governor.

**14.** In case the council of an incorporated village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 10 of this Act, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto; and in case the

territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village. R. S. O. c. 184, s. 14.

**15.—**(1) The county council of any county or union of counties, upon the application, by petition, of the corporation of any incorporated village or town not withdrawn from the county, and with a population, as ascertained by the last municipal enumeration, not exceeding 2000, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf, reduce the area of such village or town by excluding from it lands used wholly for farming purposes. Reducing the area of villages or towns.

(2) The by-law shall define, by metes and bounds, the new limits intended for such incorporated village or town. New limits to be defined.

(3) No incorporated village or town shall, by such change of boundaries, be reduced in population below the number of 750 souls. Population not to be reduced below 750.

(4) The municipal privileges and rights of the village or town shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. R. S. O. c. 184, s. 15. Municipal rights of village or town not to be abridged.

**16.—**(1) In case the council of an incorporated village pass a resolution, by a two-thirds vote of the members thereof, declaring that it is expedient that the village should become unincorporated, and the resolution is approved by the electors in the manner required for by-laws creating debts; and in case the council of an adjoining municipality, or of two or more of the adjoining municipalities, pass a resolution or resolutions approving of the territory comprised in the village being annexed to such municipality or municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the village, and annexing the territory included therein to such municipality or municipalities. R. S. O. c. 184, s. 16 (1). An incorporated village may become unincorporated and may be annexed to an adjoining municipality.

(a) The term "electors" in the preceding sub-section shall be held to include all freeholders and leaseholders whose lease extends over a period of not less than five years from the date when the said vote is taken, and whose names are entered in the last revised assessment roll of the said municipality. 52 V. c. 36, s. 2.

(2) If the said territory is annexed to one municipality, such municipality shall be liable for the debts of the village, and shall be entitled to its assets, but if the territory is annexed to two or more municipalities the councils of such municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion

of the debt of the village to be borne by them respectively, and as to the assets, or proportion of the assets, of the said village which the municipalities shall respectively receive, and the municipalities shall respectively be liable for the proportion of indebtedness as determined by the agreement or award.

(3) If the award or agreement instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said municipalities as the denominator, shall be the proportion of the entire debt to be borne by such municipality, whether or not the debt is accurately stated in the agreement or award.

(4) It may be part of the arrangement between the village and the municipality or municipalities that the village shall, for a time, be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the municipality with which the village, or part of it, is to be united.

(5) In case the municipalities proposing to receive parts of the territory comprised in the village are in different counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the councils, and unless such councils have previously agreed, or shall within three months of the issue of a proclamation under this section agree, as to the proportions in which the share of the county debt, which is referable to such village, shall be borne by the several counties, the same shall be determined by arbitration under this Act.

(6) Where part of the village is to be attached to a city or town separated from the county for municipal purposes, such separated city or town shall be deemed a county within the meaning of the next preceding sub-section. R. S. O. c. 184, s. 16 (2-6).

Setting apart  
unincorporat-  
ed village.

**17.**—(1) When any unincorporated village or settlement and its immediate neighbourhood lie wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may, on the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, by by-law, set the unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same are situate, and with boundaries to be respectively defined and declared in the by-law, for the purposes hereinafter mentioned.

(2) All the powers given to the council of every township by this Act shall remain in force as respects the portion of the township so set apart, and are hereby continued and extended so the council of every township wherein the portion thereof is to set apart, except so far as the same are or may be inconsistent with the enactments of this section. Jurisdiction of township continued.

(3) In addition to the powers given to the council of every township by this Act, the council of every township wherein a portion has been set apart under the provisions of this Act, shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages by this Act, as respects such portions as shall be so set apart, and may pass by-laws which shall apply exclusively and only to that portion of the township so set apart for the following purposes : Additional powers of township councils.

(a) To compel all persons (resident or non-resident) liable to statute labour, within such prescribed limits, to compound for such labour at any sum not exceeding \$1 for each day's labour, and that such sum shall be paid in commutation of such statute labour, and for enforcing the payment of such commutation in money in lieu of such statute labour.

(b) For all the purposes specified in sections 612 to 630, both inclusive, of this Act.

(4) Whenever in a township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of the township shall have power to pass a by-law uniting such separate divisions, so previously set apart, into one division, whereupon the council shall have all the powers over, and relating to the united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel. R. S. O. c. 184, s. 17.

## DIVISION II.—TOWNS AND CITIES.

*Towns and Cities, how formed, and limits.* Secs. 18-20.

*Restrictions as to area of Towns.* Sec. 10.

*Wards, and additions to area.* Secs. 21-23.

*Annexation of Incorporated Villages or Towns to adjacent Villages, Towns or Cities.* Sec. 24.

*Towns, how withdrawn from and re-united to jurisdiction of County.* Secs. 25, 26.

**18.** A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof. R. S. O. c. 184, s. 18. Census of towns and villages.

**19.** In case it appears by the census return taken under such by-law, or under any statute, that a town contains over 15,000 inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over 2,000 inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

1. The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper is published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

Census returns to be certified, and publication of notice proved.

2. The council of the town or village shall cause the census returns to be certified to the Lieutenant-Governor in council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council; then, in the case of a village, the Lieutenant-Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

3. In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment, with interest from the time of the erection of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and upon the council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. R. S. O. c. 184, s. 19

Town may be made a city by proclamation.

Limits of such new town or city.

**20.** The Lieutenant-Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant-Governor may consider desirable to attach thereto. R. S. O. c. 184, s. 20.

Wards.

**21.** The Lieutenant-Governor may divide the new town or city into wards, with appropriate names and boundaries, but

no town shall have less than three wards, and no ward in such town or city less than 500 inhabitants. R. S. O. c. 184, s. 21.

22.—(1) In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof into wards, as may seem expedient, and may add to the city or town any part of the adjacent township or townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto, on such terms and conditions, as to taxation or otherwise, as the Lieutenant-Governor in Council sees fit and the council of the city or town may consent to. R. S. O. c. 184, s. 22.

New division of wards in cities and towns.

Extension of city or town.

(2) In any case where the resident freeholders of any city with a population of 100,000 or over, to the number of at least five hundred, petition the council, alleging the expediency of, and praying that a new division into wards may be made of the city without reducing the number of wards, or that a new division may be made reducing the number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors voting thereon voting in favor of the petition, it shall be the duty of the council to, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city into wards, so as to give effect to the prayer of the petition and vote of the electors; and such new division shall, so far as possible, be based upon the assessed values of property, population and territorial extent, and shall be given effect to in accordance with the provisions of this section.

Re-division of wards in cities and towns.

(3) In case any council neglects or refuses to make a new sub-division of any city into wards under the provisions of the last preceding sub-section for three months after the same shall have been voted upon and approved of by the electors, and in case one-third of the members of the council, or one hundred duly qualified electors of the municipality petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote, to be taken in manner aforesaid, the Lieutenant-Governor in Council may issue a com-

Commission of enquiry as to wards.

mission accordingly, to three commissioners, one to be named by the Lieutenant-Governor in Council, one by the Chancellor of Ontario, and one by the City Council, and the commissioners, or a majority of them shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases. Should the city council within two weeks after notice fail to name a commissioner, the Lieutenant-Governor shall name two commissioners.

Commissioners to prepare a scheme of division.

(4) The commissioners so to be appointed as aforesaid, or a majority of them shall, within a reasonable time, report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by council in that behalf.

Lieutenant-Governor may make division by proclamation.

(5) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners by proclamation divide the city into wards, and the Lieutenant-Governor in Council shall have the like powers as are by this Act conferred upon him when application is made to divide a city into wards under this Act.

Expenses of commission.

(6) The expenses to be allowed for executing the commission shall be paid by the municipality pursuant to the provisions of section 384 of this Act.

Further division not to be made for five years.

(7) In case of a new division being made as aforesaid, another division shall not be made for five years thereafter. 53 V. c. 50, s. 1.

Where land attached to town, etc., belonged to another county.

**23.** In case a tract of land so attached to the town or city belonged to another county, the same shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the town or city. R. S. O. c. 184, s. 23.

Annexation of incorporated villages or towns to adjacent villages, towns or cities by proclamation.

**24.—(1)** In case the council of any incorporated village or town pass a resolution affirming the expediency of the annexation of such village or town to an adjacent village, town or city, and the municipal council of such last mentioned village, town or city, pass a similar resolution, and in case the electors of the first-mentioned village or town adopt a by-law, to be submitted to them, approving of such annexation, the Lieutenant-Governor in Council may, by proclamation, annex one municipality to the other, upon such terms as may have

been agreed upon by the councils, or as may have been determined by arbitration, in case the councils resolve to have the terms settled by arbitration.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a village, town or city.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the village or town to which the addition is made, into a town or city, by a name to be given thereto in the proclamation, and may divide or re-divide the city, town or village into wards. R. S. O. c. 184, s. 24.

(4) In case a petition signed by one hundred and fifty qualified municipal electors of any town or incorporated village, be presented to the council of such town or incorporated village asking that a by-law be submitted for the annexation of such town or incorporated village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit a by-law for the annexation of the said incorporated village or town to the vote of the municipal electors of the said town or incorporated village, and said council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petition and shall submit the same to the said municipal electors for approval or otherwise within four weeks after the receipt of the petition by the said council.

(5) A by-law which is duly carried, under the provisions of the last preceding sub-section, by the vote of the municipal electors of said town or incorporated village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council.

(6) Thereupon the council of such adjacent village, town, or city may, by resolution, assent to the annexation of such town or incorporated village aforesaid. 51 V. c. 28, s. 2, *part*.

(7) In the event of the annexation of any such town or incorporated village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same may be carried into effect by proclamation of the Lieutenant-Governor in Council on a day to be named in the said proclamation, or in any subsequent proclamation. 51 V. c. 28, s. 2, *part*; 52 V. c. 36, s. 3. *For time when incorporation or annexation takes effect, see s. 89.*

**25.** The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act. subject to the following provisions and conditions :

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

- Amount to be paid by town to county to be settled by agreement or arbitration.
1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued;
- Matters to be considered by arbitrators.
2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town is then liable to pay, for the construction of roads or bridges by the county without the limits of the town; and also what the county has paid, or is liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain, and allow to the town, the value of its interest in all county property, except roads and bridges within the town;
- Copy of agreement or award to be sent to the Lt.-Gov. Proclamation.
3. When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the town from the jurisdiction of the council of the county;
- Effect of such proclamation.
4. After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, or into the county treasury any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;
- New agreement or award after five years.
5. After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the use of the gaol, erection and repairs of the registry office or offices, the providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands;
- Property after withdrawal.
6. After the withdrawal of a town from the county all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. R. S. O. c. 184, s. 25.

**26.**—(1) The council of a town which has withdrawn from a county, or union of counties, may, after the expiration of five years from the withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such county or union of counties.

Town may after five years from withdrawal pass by-law for re-union with county.

(2) The by-law shall have no effect unless ratified and confirmed by the council of the county or union of counties, from which the said town had previously withdrawn, within six months after the passing of the by-law, and unless the terms and conditions which the town shall pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say :

By-law to have no effect until ratified by council of county, etc.

(3) Before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which shall be paid or borne by the county after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon the re-union, and as affecting the county or town respectively, and such other terms or conditions as appear just shall be settled by such agreement ; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, the said matters shall be settled by arbitration, as provided by this Act. R. S. O. c. 184, s. 26.

Before by-law ratified, the amounts of the debts of town and county respectively shall be determined.

### DIVISION III.—TOWNSHIPS.

*Townships, how attached to other Municipalities. Sec. 27*  
*When Junior Township may become a Separate Corporation. Secs. 28, 29.*

*Arrangement of joint assets and debts. Sec. 30.*

*New Townships—Union of. Secs. 31, 32.*

*Seniority of Townships. Sec. 33.*

*Effect of dissolution of union of Counties on united Townships in different Counties. Sec. 34.*

**27.** In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county. R. S. O. c. 184, s. 27.

New township beyond limits of incorporated county may be attached to a county by proclamation.

Junior township containing 100 freeholders, etc., may be separated from union.

**28.** When a junior township of an incorporated union of townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such township shall, upon the 1st day of January next after the passing of the proper by-law in that behalf by the county council become separated from the union. R. S. O. c. 184, s. 28.

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

**29.—(1)** In case a junior township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same.

and attached to an adjoining municipality.

**(2)** In case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council considers that the interest and convenience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. R. S. O. c. 184, s. 29.

Disposition of property upon dissolution of union.

**30.** After the dissolution of a union of townships, the following shall be the disposition of the property of the union:

Real property.

1. The real property of the union situate in the junior township, shall become the property of the junior township;

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships;

Other assets.

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement as to property and debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just;

How to be determined in case of disagreement.

5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal

property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act ;

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved ; and shall be provided for by the council of the indebted township like other debts. R. S. O. c. 184, s. 30.

**31.** In case a township is laid out by the Crown in an incorporated county or union of counties, or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such townships, for municipal purposes, to some adjacent incorporated township, or union of townships in the same county or union of counties. R. S. O. c. 184, s. 31.

New townships, etc., within the union of incorporated counties, to be united to adjacent townships, and how.

**32.** In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than 100 resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. R. S. O. c. 184, s. 32.

Townships not incorporated or united may be formed into unions.

**33.** Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united ; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or county council may think fit. R. S. O. c. 184, s. 33.

Seniority of united townships, how regulated.

**34.** In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. R. S. O. c. 184, s. 34.

Effect of dissolution of union of counties on united townships in different counties.

#### DIVISION IV.—COUNTIES.

*Counties, how formed. Sec. 35.*

*Seniority of united Counties. Sec. 36.*

*Laws applicable to union of Counties. Sec. 37.*

**35.** The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory (defining the limits thereof) not being

New counties how formed by proclamation, and annexed or united.

within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. R. S. O. c. 184, s. 35.

Seniority of united counties, how regulated.

**36.** In every union of counties, the county in which the county court house and gaol are situate shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. R. S. O. c. 184, s. 36.

Laws applicable to union of counties.

**37.** During the union of counties, all laws applicable to counties (except as to representation in Parliament or the Legislative Assembly, and registration of titles) shall apply to the union as if the same formed but one county. R. S. O. c. 184, s. 37.

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#### DIVISION V.—PROVISIONAL COUNTY CORPORATIONS.

*Provisional Corporations, formed by separation of Junior County. Sec. 38.*

*Provisional officers. Secs. 39, 40.*

*Property may be acquired on which to erect Gaol and Court House. Sec. 41.*

*Powers of Provisional Council not to interfere with united Corporation. Sec. 42.*

*Arrangement of joint assets and liabilities. Secs. 43-45.*

*Appointment of officials. Sec. 46.*

*Separation, when complete. Secs. 47, 48.*

*Effect of separation on judicial proceedings. Secs. 49-52.*

Separation of united counties.

**38.** Where the census returns, taken under a statute, or under the authority of a by-law of the council of any united counties, shew that the junior county of the union contains 17,000 inhabitants or more, then if a majority of the reeves and deputy-reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if, in the month of February in the following year, a majority of the reeves and deputy-reeves transmit to the Lieutenant-Governor in

council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the junior county such as to call for a separate establishment of Courts and other county institutions, he may, by proclamation setting forth the facts constitute the reeves and deputy-reeves in that county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. R. S. O. c. 184, s. 38.

Appointment by proclamation of provisional council in junior county.

First meeting thereof.  
County town.

**39.** The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. R. S. O. c. 184, s. 39.

Who to preside.

**40.** Every provisional council shall from time to time, by by-law, appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. R. S. O. c. 184, s. 40.

Appointment of provisional warden and other officers.  
Terms of office.

**41.** Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. R. S. O. c. 184, s. 41.

Provisional council may acquire land, and erect thereon gaol and court house.

**42.** The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. R. S. O. c. 184, s. 42.

Respective powers of provisional council and council of union.

**43.** After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining the balance the senior or remaining counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be just; and the value of the real estate, which upon the separation, becomes the property of the senior or junior county respectively, and any improvement effected by the union which either county gets the exclusive benefit of, shall also be taken into account. R. S. O. c. 184, s. 43.

Agreement upon dissolution as to joint liabilities and joint assets.

Senior county to assume debts of union.

Junior county to be charged with just proportion.

When provisional councilors shall not vote. **44.** No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. R. S. O. c. 184, s. 44.

In case of disagreement, disputes to be determined by arbitration. **45.** In case the councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance or amount agreed or settled to be due by such county, and such amount shall bear interest at six per centum per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. R. S. O. c. 184, s. 45.

Appointment of Sheriff and other officials. **46.** After the sum, if any, to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained, by agreement or arbitration, a Judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the County Court, a registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. R. S. O. c. 184, s. 46.

Final separation of united counties by proclamation. **47.** After such appointments are made the Lieutenant-Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the 1st day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets belonging to the corporation of the union, shall belong to and be the property of the senior or junior county or union of counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county, or union of counties; and in the case of choses in action, they may be recovered in an action, or other proceeding, instituted or commenced in the name of the senior county or union of counties. R. S. O. c. 184, s. 47.

Property, how divided.

48.—(1) When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. R. S. O. c. 184, s. 48.

Officers and property, etc. continued.

(2) The treasurer of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 152 of *The Assessment Act*. 51 V. c. 28, s. 3.

49.—(1) The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause ; or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. R. S. O. c. 184, s. 49.

Execution and service of process in hands of sheriff at time of separation.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Execution of writs.

(3) All actions and proceedings in any court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution, and other processes, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county ; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place.

Pending actions.

Continuation  
of writs in  
hands of  
sheriff at time  
of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise have lost his priority.

Division  
Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts' Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned court as if they had been commenced therein.

Chattel  
mortgages.

(6) All chattel mortgages relating to property within any of the townships, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the County Court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal. 51 V. c. 28, s. 4.

Change of  
place of trial  
in actions, etc.,  
after separa-  
tion.

50. If upon a dissolution of a union of counties, there is pending an action, or other civil proceeding in which the county town of the union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order

the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new county. R. S. O. c. 184, s. 50.

**51.** In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the senior county. R. S. O. c. 184, s. 51.

If no order made, where proceedings to be carried on,

**52.** All Courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. R. S. O. c. 184, s. 52.

Place for holding courts in junior county

## DIVISION VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

*By-Laws to continue in force. Secs. 53, 54.*

*Debts and Liabilities how affected. Secs. 55-59.*

*Officials and their sureties, how affected. Secs. 60-63.*

**53.** In case a village is incorporated, or village or town (with or without additional area) erected into a town or city or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. R. S. O. c. 184, s. 53.

By-laws in force prior to formation of new corporation to continue in force until altered by council of new corporation.

**54.** In case an addition is made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. R. S. O. c. 184, s. 54.

What by-laws bind where limits of a municipality are extended.

**55.** In the case of the erection of a locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. R.S.O. c. 184, s. 55.

Liability for debts at the time of dissolution.

Adjustment of  
debts when  
limits ex-  
tended.

**56.**—(1) After an addition has been made to a village, town or city by the annexation of an adjoining village or town, or adjoining portion of a township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in the property and assets of the township or county, and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act. R.S.O. c. 184, s. 56.

Power to pro-  
ceed with  
local improve-  
ments upon  
lands subse-  
quently an-  
nexed to  
another mun-  
cipality

(2) When any improvement, work or service coming under the provisions of sections 569 to 630, both inclusive, of this Act, and amending Acts, shall have been undertaken by any municipal corporation, and after such corporation shall have become liable for the carrying out of the same, the lands, or any part thereof to be specially benefited by any such improvement, work or service, has or shall become and form part of another municipality by incorporation, annexation, or otherwise under the provisions of this Act and amending Acts, or of any special Act, the municipal corporation from which such lands or any part thereof are taken shall have full power and authority by themselves, their servants, workmen and agents to proceed with any such improvement, work or service, to the completion thereof, and for such purposes to enter upon, take and use any lands lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, necessary to enable them to complete any such improvement, work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things which may be necessary for completing any such improvement, work or service, and for providing for the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made.

Municipality  
to which terri-  
tory annexed  
to indemnify  
municipality  
commencing  
work.

(3) Any such municipality from which territory shall have been taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which any such addition is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service, undertaken and carried

out, or to be carried out by it, under the provisions of sections 569 to 630, both inclusive of this Act and amending Acts, to the extent to which the lands specially assessed for the improvement, work or service lie within the territory taken from it, and included within the new municipality or added to the adjoining municipality, as the case may be, and all debts incurred by a municipality for its share of any such improvement, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of any such new municipality or the addition of territory to such adjoining municipality.

(4) In any case when the local improvement, work or service lies wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law and the special assessments in each year during the currency of the debentures issued pursuant to such by-law, collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality are collected, and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by the resolution of the council of such new municipality or of the municipality to which such territory shall have been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof.

Where lands benefited are subsequently altogether within another municipality, latter to collect and pay whole debt.

(5) When part only of the lands specially benefited and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment, and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year, during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits, and the treasurer thereof shall, so soon as and as the same are collected, pay the amount thereof over to the treasurer of the municipality to which such lands formerly belonged.

Where part only, municipality in which lands situate to collect proportion of cost.

**57.** After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures to

Debentures to be issued for debts, and to bind the old and new municipalities.

tures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. R.S.O. c. 184, s. 57.

Assessments  
for year pre-  
ceding dissolu-  
tion.

**58.** All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. R. S. O. c. 184, s. 58.

Special rates  
for debts con-  
tinued and to  
be paid over  
by treasurer of  
the junior  
county.

If the sum  
paid over ex-  
ceeds the just  
amount, the  
excess may be  
recovered.

**59.** In case the amount paid over as in the last preceding section provided, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality. R. S. O. c. 184, s. 59.

Former coun-  
cil and officers  
to exercise  
jurisdiction  
over new mu-  
nicipalities,  
etc., until new  
councils are  
organized.

**60.** In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation shall, until the council for the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. R. S. O. c. 184, s. 60.

Effect of sepa-  
ration upon  
public officers  
and their  
sureties.

**61.** The separation of a junior county or township from a union of counties or townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. R. S. O. c. 184, s. 61.

**62.** All such public officers shall, after the separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township or for such remaining counties or townships only. Further provisions as to officers and their sureties.  
R. S. O. c. 184, s. 62.

**63.** All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right of new securities being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. Right to require new securities not affected.  
R. S. O. c. 184, s. 63.

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## PART II.

### MUNICIPAL COUNCILS, HOW COMPOSED.

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#### TITLE I.—THE MEMBERS.

#### TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

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#### TITLE I.—THE MEMBERS,

##### DIV. I.—IN COUNTIES.

##### DIV. II.—IN CITIES.

##### DIV. III.—IN TOWNS.

##### DIV. IV.—IN INCORPORATED VILLAGES.

##### DIV. V.—IN TOWNSHIPS.

##### DIV. VI.—IN PROVISIONAL CORPORATIONS.

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#### DIVISION I.—IN COUNTIES.

*Councils. Sec. 64.*

*Certificate of Election, etc. Secs. 65-67.*

**64.** The council of every county shall consist of the reeves and deputy-reeves of the townships and villages within the County Councils.

county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy-reeves shall be the warden. R. S. O. c. 184, s. 64.

Certificates as to election and number of voters to be filed by reeves and deputy-reeves.

**65.**—(1) No reeve or deputy-reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand, and the seal of the municipal corporation, that such reeve or deputy-reeve was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or deputy-reeve; nor, in case of a deputy-reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons, entitled to vote at municipal elections, for the first deputy-reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy-reeve, has taken place since the said voters' list was last revised.

(2) In counting the names of voters referred to in this section, and in sections 69, 70 and 71, the name of the same person shall not be counted more than once in any municipality whether the name of such person appears upon the voters' lists only once or more than once. 51 V. c. 28, s. 5.

Form of certificate as to election, etc.

**66.** The certificate in section 65 mentioned may be in the following form :

I, *A. B.*, of \_\_\_\_\_, Clerk of the Corporation of the Township (Town or Village as the case may be) of \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby, under my hand and the seal of the said Corporation, certify that *C. D.*, of \_\_\_\_\_, Esquire, was duly elected Reeve (or Deputy Reeve as the case may be), of the said Township (Town or Village as the case may be), and has made and subscribed the declaration of office and qualification as such Reeve (or Deputy Reeve, as the case may be).

Given under my hand and the seal of the said Corporation of \_\_\_\_\_ at \_\_\_\_\_, in the said Township (Town or Village as the case may be), this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

{ Seal of the  
Municipal  
Corporation. }

*A. B.*  
Township (Town or Village) Clerk.

R. S. O. c. 184, s. 66.

Form of declaration as to number of voters.

**67.** The declaration in section 65 mentioned may be in the following form :

I, *A. B.*, of \_\_\_\_\_, Gentleman, Clerk of the Township (Town or Village, as the case may be) of \_\_\_\_\_, in the County of \_\_\_\_\_ do hereby declare and affirm as follows :

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (*Town or Village as the case may be*).

(2) That there appear upon the said list the names of at least hundred (500 *for each Deputy Reeve*) persons entitled to vote at municipal elections in the said Township (*Town or Village as the case may be*).

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below hundred (500 *for each Deputy Reeve*), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

*A. B.*

51 V. c. 28, s. 6.

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## DIVISION II.—IN CITIES.

### *Councils. Sec. 68.*

**68.** The council of every city shall consist of the mayor City councils who shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. R. S. O. c. 184, s. 68.

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## DIVISION III.—IN TOWNS.

### *Councils. Sec. 69.*

**69.**—(1) The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors Town Councils. for every ward where there are less than five wards, and of two councillors for each ward where there are five or more wards; and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then a deputy reeve shall be added, and for every 500 additional names of persons so entitled to vote on such list there shall be elected an additional deputy-reeve; Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act. R. S. O. c. 184, s. 69 (1); 51 V. c. 28, s. 7. Reduction of number of councillors.

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than 100 resident municipal electors, asking the council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 293 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. R. S. O. c. 184, s. 69 (2).

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#### DIVISION IV.—IN INCORPORATED VILLAGES.

##### *Councils. Sec. 70.*

Incorporated  
Village Councils.

**70.** The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then of a reeve, deputy-reeve and three councillors, and for every additional 500 names of persons entitled to vote on such list there shall be elected an additional deputy-reeve instead of a councillor. 51 V. c. 28, s. 8, *part*.

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#### DIVISION V.—IN TOWNSHIPS.

##### *Councils. Sec. 71.*

Township  
Councils.

**71.** The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy-reeve, and three councillors and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy-reeve instead of a councillor. 51 V. c. 28, s. 8, *part*.

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# DIVISION VI.—IN PROVISIONAL CORPORATIONS.

## *Councils. Sec. 72.*

**72.** The reeves and deputy-reeves of the municipalities <sup>Provisional</sup> within a junior county for which a provisional council is <sup>Councils.</sup> established, shall, *ex officio*, be the members of the provisional council. R.S.O. c. 184, s. 72.

# TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

## DIV. I.—QUALIFICATION,

## DIV. II.—DISQUALIFICATION.

## DIV. III.—EXEMPTIONS.

# DIVISION I.—QUALIFICATION.

*In each Municipality. Sec. 73.*

*Nature of Estate to be possessed. Sec. 74.*

*In new Township where no Assessment Roll. Sec. 75.*

*Where only one qualified person for each seat. Sec. 76.*

**73.**—(1) No person shall be qualified to be elected a mayor, <sup>Qualification</sup> alderman, reeve, deputy-reeve, or councillor of any municipality <sup>of mayors,</sup> unless such person resides within the municipality, or within <sup>aldermen etc.</sup> two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and encumbrances affecting the same, elsewhere than in the districts of Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay, Rainy River, and the provisional county of Haliburton;

1. In incorporated villages—Freehold to \$200, or leasehold <sup>In villages.</sup> to \$400;

2. In towns—Freehold to \$600, or leasehold to \$1,200; <sup>In towns;</sup>

3. In cities—Freehold to \$1,000, or leasehold to \$2,000; <sup>In cities;</sup>

4. In townships—Freehold to \$400, or leasehold to \$800; <sup>In townships</sup> and in the said last named districts and provisional county;

5. In townships and incorporated villiages, freehold to \$200 or leasehold to \$400.

6. In towns, freehold to \$400 or leasehold to \$800.

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold;

But, if within any municipality any such person is at the time of election in actual occupation of any such freehold, rated in his own name or in the name of his wife, on the last revised assessment roll of the said municipality, he will be entitled to be elected, if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$2,000, and for that purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold. R.S.O. c. 184, s. 73.

When alienation of property rated not to disqualify.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property, or by the expiration or surrender of the demised term between the date of the return of the assessment roll and the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding sub-section.

Qualification of members of council where new territory added to village, town or city.

(3) In the case of the election of a person qualified under the preceding sub-section, the oath of office under sub-section 2 of section 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last revised assessment roll of this township (naming it) at an amount not less than \$2,000." 51 V. c. 28, s. 9.

(4) When territory has been added to an incorporated village, town or city, before a revised assessment roll of the municipality has been made, which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the municipality of which such added territory had before the addition formed part. 53 V. c. 50, s. 4.

"Leasehold" defined.

74. The term "leasehold" in the last preceding section shall not include at term less than a tenancy for a year, or from year to year; and the qualifications of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. R.S.O. c. 184, s. 74.

Nature of estate

In new township not having assessment roll.

75. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. R.S.O., c. 184, s. 75.

**76.** In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. R.S.O. c. 184, s. 76.

If only one person be qualified for each seat in the council.

## DIVISION II.—DISQUALIFICATION.

### *Persons disqualified. Sec. 77.*

**77.**—(1) No Judge of any Court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, or clerk of any municipality, no bailiff of any Division Court, no county crown attorney, no registrar, no deputy clerk of the crown, no clerk of the County Court, no clerk of the peace, no High School trustee, no innkeeper or saloonkeeper, or shopkeeper licensed to sell spirituous liquors by retail, no license commissioner or inspector of licenses, no police magistrate, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, and no person who is counsel or solicitor, either by himself or with or through another, in the prosecution of any claim, action or proceeding against the municipality shall be qualified to be a member of the council of any municipal corporation. R.S.O. c. 184, s. 77 (1); 52 V. c. 36, s. 4.

Persons disqualified from being members of councils.

(2) But no person shall be held to be disqualified from being elected a member of the council of any municipal corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company. R.S.O. c. 184, s. 77 (2).

Proviso; as to shareholders in companies having dealings with corporations and lessees for 21 years from corporation.

## DIVISION III.—EXEMPTIONS.

### *Officials and Persons exempted. Sec. 78.*

**78.** All persons over sixty years of age, all Members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil service of the Crown, all Judges not disqualified by the last preceding section, all coroners, all persons in priests' orders, clergymen and ministers of the Gospel of every denomination, all members of the Law Society of Ontario, whether barristers or students, all solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession,

Exemptions

whether physicians or surgeons, all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof, all millers, and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of a municipal council, or to any other municipal office. R.S.O. c. 184, s. 78. *See also as to Firemen, R. S. O. c. 188, ss. 2-4.*

## PART III.

### MUNICIPAL ELECTIONS.

#### TITLE I.—ELECTORS.

#### TITLE II.—ELECTIONS.

#### TITLE I.—ELECTORS.

##### DIVISION I.—QUALIFICATION.

*Freehold, Household, Income, or Farmers' Sons. Sec. 79.*

*Amount of rating requisite. Sec. 80.*

*Persons in default for non-payment of taxes. Sec. 81.*

*Elector must be named on voters' list. Sec. 82.*

*In new Municipality having no Assessment Roll. Sec. 83.*

*Where new Territory added. Sec. 84.*

*Joint or several rating on same property. Secs. 85, 86.*

*Householder, definition of. Sec. 87.*

Qualification  
of electors.

**79.**—(1) Subject to the provisions of the next following eight sections the right of voting at municipal elections shall belong to the following persons, being men, or unmarried women, or widows, of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated, to the amount hereinafter provided, on the revised assessment roll, upon which the voters' list used at the election is based, of the municipality, for real property held in their own right (or, in the case of married men, held by their wives), or for income, and having received no reward and having no expectation of reward for voting:

Freeholders.

*Firstly.* All persons, whether resident or not, who are, in their own right or whose wives are, at the date of the election, freeholders of the municipality;

Householders  
and tenants.

*Secondly.* All residents of the municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the municipality;

*Thirdly.* All residents of the municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than \$400 ; Income voters.

*Fourthly.* All residents of the municipality at the date of the election who are farmers' sons, and have resided in the municipality on the farm of their father or mother for twelve months next prior to the return by the assessors of the assessment roll, on which the voters' list used at the election is based. Farmers' sons

(2) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote. When more than one son is resident.

(3) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the only person entitled to vote in respect of such farm.

(4) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. Where father living and assessment not sufficient to qualify more than one.

(5) In this section :

"Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres ; Temporary absence.

"Son" or "sons" or "farmer's son" or "farmers' sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm ; Interpretation.

"Father" shall include stepfather ;

"Election" shall mean an election for a member to a municipal council ;

"To vote" shall mean to vote at an election ; and

\* "Owner" shall mean a person who is proprietor in his own right, or whose wife is proprietor in her own right, of an estate for life, or any greater estate, either legal or equitable, except where the owner is a widow, and in such latter case the word "owner" shall mean proprietor in her own right of any such estate. R.S.O. c. 184, s. 79.

Any leaseholder the term of whose lease is not less than five years shall be deemed an owner within the meaning of this section.

Amount of rating necessary.

**80.** In order to entitle a person to vote as aforesaid in respect of real property, such property, whether freehold or household or partly each, must be rated at an actual value of not less than the following:

In townships and incorporated villages .....	\$100
In towns where the population does not exceed 3,000 ..	200
In towns with a population of over 3,000 .....	300
In cities .....	400

The population shall be determined by reference to the latest annual enumeration of the assessors.

Persons in default for non-payment of taxes not to vote.

**81.** No person who has been returned by the treasurer or collector under section 119 as in default for non-payment of his taxes on or before the 14th day of December next preceding any election, shall be entitled to vote in respect of income in any municipality or in respect of real property in municipalities which have passed by-laws under sub-section 2 of section 489, but any person who is entitled to vote and who produces and leaves with the deputy-returning officer at the time of the tendering of the vote a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes in respect of which the default had been made have since been paid, shall be entitled to vote; and the deputy-returning officer shall file the certificate, receive the vote and note the same on the defaulters' lists. R.S.O. c. 184, s. 81.

Elector must be named in voters' list.

No question of qualification to be raised.

**82.** Except in the case of a new municipality for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the list of voters. R.S.O. c. 184, s. 82.

In newly erected municipalities not having any assessment roll.

**83.** At the first election of a new municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. R.S.O. c. 184, s. 83.

Where new territory added to city, town or village, or a new

**84.** Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a new village is

formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if such town or village had not been erected into a city or town, or if such village had not been formed, shall be entitled to vote in the city, town or village at such election. R.S.O. c. 184, s. 84.

**85.** In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. R.S.O. c. 184, s. 85.

If owner and occupant severally rated both to be deemed rated.

**86.** Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. R.S.O. c. 184, s. 86.

When joint owners or occupants rated, rating to be equally divided.

**87.** Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. R.S.O. c. 184, s. 87.

"Householder" defined.

## TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.

DIV. II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

DIV. III.—OATHS.

DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

DIV. V.—THE POLL.

DIV. VI.—MISCELLANEOUS PROVISIONS.

DIV. VII.—VACANCIES IN COUNCIL.

DIV. VIII.—CONTROVERTED ELECTIONS.

DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

### DIVISION I.—TIME AND PLACE OF HOLDING.

*In Municipalities other than Counties.* Sec. 88.

*In new or altered Municipalities.* Sec. 89.

*Place, how fixed.* Sec. 90.

*In separated Townships.* Secs. 91, 92.

*Election of Reeves, etc., in Townships and Villages.* Sec. 93.

*Election Divisions.* Sec. 94.

*Where Elections shall be held.* Secs. 95, 96.

Elections to be held annually for members of councils of municipalities (except counties).

Term of office.

**88.** The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council is organized. R.S.O. c. 184, s. 88.

First elections where corporations are newly erected or extended.

Times of elections.

**89.** In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city; or in case of a new division into wards of a town or city,—the first election, under the proclamation or by-law by which the change was effected, shall take place on the first Monday in January next after the date of the proclamation, or from the passing of the by-law by which the change is made; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. R.S.O. c. 184, s. 89; 52 V. c. 36, 5.

Place to be fixed by by-law of municipalities.

**90.** The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or polling subdivisions was held. R.S.O. c. 184, s. 90.

County council to appoint place of first election in junior townships after separation.

**91.** When in any year a junior township of a union has 100 resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. R.S.O. c. 184, s. 91.

Existing ward divisions in united townships to cease on dissolution of union.

**92.** In case of the separation of a union of townships, the existing divisions into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors shall be by general vote, until the township or townships are divided into polling subdivisions or wards under the provisions of this Act. R.S.O. c. 184, s. 92.

**93.** The election, in townships and incorporated villages, of reeves, deputy-reeves and councillors, shall be by general vote, except in the case of deputy-reeves and councillors in townships divided into wards, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. R.S.O. c. 184, s. 93.

Election of reeves, etc., in townships and incorporated villages to be by general vote.

**94.** In case a majority of the qualified electors of a township on the last revised assessment roll petition the council of the township to divide the township into wards, or to abolish or alter any then existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to such petition; and, if such petition is for division into wards, shall divide such township into wards, having regard to the number of electors in each ward being as nearly equal as may be; and the number of wards for municipal purposes shall be four in all cases; and where the township is divided into wards, and is entitled to one or more deputy reeves, the councillors shall, at their first meeting, elect from among themselves such deputy-reeve or reeves. R.S.O. c. 184, s. 94.

Upon petition the council may, by by-law, divide townships into wards, etc.

Election of deputy-reeves, etc., in such case.

**95.** Every election shall be held in the municipality to which the same relates. R.S.O. c. 184, s. 95.

Election to be held in municipality.

**96.** No election of township councillors shall be held within any city, town or incorporated village, nor shall any election for a municipality, or any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. R.S.O. c. 184, s. 96.

Election of township councillors.

## DIVISION II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

*When election by polling subdivisions. Sec. 97.*

*When not. Sec. 98.*

*Death or absence, provision for. Sec. 99.*

*Authority of. Secs. 100, 101.*

*Special Constables. Sec. 101.*

**97.**—(1) The council of every municipality in which the election is to be made by wards or polling subdivisions, shall, from time to time, by by-law, appoint:

By-law for an election by wards or polling subdivisions.

(a) The places for holding the nominations for each ward;

(b) The returning officers who shall respectively hold the nominations for each ward;

(c) The places at which polls will be opened in the municipality in case a poll is required;

(d) The deputy returning officers who shall preside at the respective polling places.

Clerk of municipality to be returning officer for whole Municipality.

(2) The clerk of the municipality shall be the returning officer for the whole municipality, and in the case of a poll being required, the deputy-returning officers shall make to him the returns for their respective wards or polling subdivisions. R.S.O. c. 184, s. 97.

Returning officer for elections not by wards or polling subdivisions.

**98.** In the case of a municipality in which the election is not to be by wards or polling subdivisions, the clerk shall be the returning officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to deputy-returning officers. R.S.O. c. 184, s. 98.

The death or absence of the returning officer or deputy returning officer provided for.

**99.** In any case where the returning officer for any ward refuses or neglects to attend at the time and place required by the clerk to receive his instructions and nomination papers and in any case where a deputy-returning officer refuses or neglects to attend at the time and place he is required by the returning officer to receive his voters' lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead, and the person so appointed shall have all the powers and authority that he would have had if he had been appointed by by-law. In case, at the time appointed for holding a nomination or poll, the person appointed to be returning officer or deputy-returning officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no returning officer or deputy-returning officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a returning officer or deputy-returning officer, and such returning officer or deputy-returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a returning officer or deputy-returning officer. R.S.O. c. 184, s. 99.

Returning officers and deputy returning officers to be conservators of the peace; their powers.

**100.** Every returning officer and deputy-returning officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the city or county in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the returning officer, or deputy-returning officer, or Justice of the Peace. R.S.O. c. 184, s. 100.

**101.** Every returning officer, or deputy-returning officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a returning officer or deputy-returning officer, or justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of \$20, to be recovered to the use of any one who will sue therefor. R.S.O. c. 184, s. 101.

Special constables may be sworn in.

### DIVISION III.—OATHS.

*Of freeholder. Sec. 102.*

*Of householder or tenant. Sec. 103.*

*Of income voter. Sec. 104.*

*Of farmer's son. Sec. 105.*

*Administering. Sec. 106.*

**102.** The only oaths or affirmations to be required of a person claiming to vote in respect of a freehold, shall be as follows, or to the like effect:

Oaths, etc., of person claiming to vote as a freeholder.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (or a widow, as the case may be);

That you are in your own right (or your wife is) a freeholder within this municipality.

That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of Municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of Municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward and (if the elector is tendering his vote for Mayor, Reeve, or Deputy-Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy-Reeve as the case may be);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election:

So help you God.

In new Municipality where no assessment roll.

(In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.)

R.S.O. c. 184, s. 102 ; 53 V. c. 50, s. 5.

Oath of householder or tenant.

**103.** The oath or affirmation to be required of a person claiming to vote as householder or tenant, shall be as follows or to the like effect :

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list, (or supplementary list) of voters now shewn to you (showing the list to the voter) ;

(In the case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow, as the case may be ;)

That on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ (the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based) you were actually, truly, and in good faith, possessed to your own use and benefit, as tenant or occupant, of the real estate in respect of which your name is entered on the said list ;

That you are (or your wife is) a householder or tenant within this Municipality ;

That you have been resident within this Municipality for one month next before this election ;

That you are a natural-born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years ;

(In the case of municipalities not divided into wards.) That you have not voted before at this election, either at this or any other polling place ;

(In the case of municipalities divided into wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve, or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve, as the case may be) ;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

(In the case of a new Municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.) R.S.O. c. 184. s. 103.

In new municipality where no assessment roll.

**104.** The oath or affirmation to be required of a person claiming to vote in respect of income shall be as follows :

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of ) on the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

(*In the case of a widow or unmarried woman claiming to vote.*) That you are unmarried (or a widow, as the case may be);

That on the                      day of                      18                      (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town or Village, as the case may be);

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling, or profession, as the case may be) of a sum of not less than \$400;

That you are a subject of her Majesty by birth (or naturalization, as the case may be); and are of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve or Deputy Reeve, as the case may be);

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election;

So help you God. R.S.O. c. 184, s. 104.

**105.** The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows: Oath of farmer's son.

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of ) in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

That on the                      day of                      , 18                      (*the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires*), A. B. (*naming him or her*), was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of the said A. B.;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all;

That you are still a resident of this Municipality, and entitled to vote at this election;

That you are a subject of Her Majesty by birth (or naturalization as the case may be); and are of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve*) that you have not voted before or elsewhere in the Municipality at this election for Mayor, (Reeve, or Deputy Reeve as the case may be) ;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

R.S.O. c. 184, s. 105.

Voter may  
select any  
form of oath.

**105a.** The voter shall be entitled to select for himself for that purpose any one of the forms contained in sections 102 to 105 both inclusive, whatever may be the description either in the voter's list or assessment roll as to the qualification or character in respect of which he is entered upon the list or roll. *New.*

When and  
how oaths  
are to be  
administered

**106.** Such oaths or affirmations shall be administered by the returning officer or deputy-returning officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. R.S.O. c. 184, s. 106.

#### DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

*Nomination Meetings.* Secs. 107-111.

*Presiding Officer.* Secs. 108, 110, 114.

*Provision for Christmas Day.* Sec. 112.

*Interval between Nomination and Election in Townships.*  
Sec. 113.

*Notice of Nomination.* Sec. 115.

*Proceedings at Nomination.* Sec. 116.

*Poll, when and where to be held.* Sec. 116.

*Resignations—Notifications as to Candidates.* Sec. 117.

*Votes to be given by Ballot.* Sec. 118.

*List of Defaulters in payment of Taxes.* Sec. 119.

*Ballot Boxes.* Sec. 120.

*Ballot Papers.* Secs. 121-123.

*Polling Places.* Secs. 124, 125.

*Ballot papers, voters' lists, etc., to be furnished to Deputy Returning Officers.* Secs. 124, 126, 129-132, 135.

*Directions to Voters.* Secs. 126, 127.

*Voters' and Defaulters' Lists.* Secs. 128-134.

*Certificates as to the Assessment Roll.* Sec. 135.

*In Municipalities not divided into Wards, Clerk to perform duties of Deputy Returning Officer.* Sec. 136.

*Where Electors may vote.* Secs. 137-141.

*Penalty for voting twice for Mayor, etc.* Sec. 140.

**107.**—(1) A meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and for mayor, reeve and deputy-reeves in towns, at the hall of the municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected. R.S.O. c. 184, s. 107.

Meeting for nomination of mayor, reeve, deputy reeves, etc.

(2) The council of any incorporated town, divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve.

Nomination of councillors in towns.

(3) Where no such by-law is passed the nomination of councillors in such town shall take place as provided by section 109 of this Act.

(4) Notwithstanding anything herein contained, the council of any incorporated town or village may by by-law provide that the nomination for mayor, reeve, deputy reeve or reeves and councillors may be held at half past seven o'clock in the evening instead of at the hours and times in this Act mentioned. 51 V. c. 28, s. 10.

**108.** The clerk of the municipality shall be the returning officer to preside at such meeting, or in case of his absence, the council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate, from among themselves, and such clerk or chairman shall have all the powers of a returning officer. R.S.O. c. 184, s. 108.

The clerk to preside.  
Chairman.

**109.** A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at the town hall of such municipalities, or at such place therein, and in cities and towns at such places in each ward thereof, as may from time to time be fixed by by-law, subject, in the case of townships, to the provisions of section 111; and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected, and the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon. R.S.O. c. 184, s. 109; 51 V. c. 28, s. 11.

Meetings in cities, towns, etc., for nomination of aldermen, etc.

**110.** In townships divided into wards, the nomination of candidates for the office of reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the township as may from time to time be fixed by by-law, and the township clerk shall preside; the nomination

In townships divided into wards.

of candidates for the office of councillor, to be elected for each ward, shall take place at noon, at the town hall of the township or at such place in the township or in each ward as may be fixed by by-law; subject, however, to the provisions of section 111. R.S.O. c. 184, s. 110.

Place of meeting for nomination of reeves, etc.

**111.** Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy-reeves, and councillors, as the case may be, under and in accordance with the provisions of the preceding two sections of this Act. R.S.O. c. 184, s. 111.

If nomination day falls on Christmas day.

**112.** When the last Monday in December happens to be Christmas day, the nomination of candidates for the offices of mayor and aldermen in cities, and of mayor, reeve, deputy-reeve and councillors in other municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. R.S.O. c. 184, s. 112.

County council may by by-law lengthen time between nomination and polling in townships.

**113.**—(1) Every county council may, by by-law, made on or before the 1st day of July in any year provide that the day for the nomination of candidates for reeve, deputy-reeves, and councillors in townships shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such townships.

Copy of by-law to be sent to townships affected.

(2) Forthwith, after the passing of such by-law, the county clerk shall transmit a copy thereof to the clerks of the townships to which the same relates. R.S.O. c. 184, s. 113.

Presiding officer.

**114.** The returning officer appointed for each ward, as in section 97 mentioned, or the clerk as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. R.S.O. c. 184, s. 114.

Notice of nomination meeting.

**115.** The clerk or other returning officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. R.S.O. c. 184, s. 115.

Nomination and proceedings incident thereto.

**116.** At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if only one candidate for any particular office is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the clerk

Poll—when and where to be held.

or other returning officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. R.S.O. c. 184, s. 116.

**117.** At the nomination meeting or on the following day any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the clerk or other returning officer or chairman shall, on the day of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices; provided always, that the resignation after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within the time hereinbefore mentioned, be delivered to the clerk of the municipality; provided, also, that if by reason of such resignation only one candidate remains proposed for a particular office, the clerk or other returning officer shall declare such candidate duly elected for such office. *New.*

Resignation of persons proposed for office at nomination meetings.

Proviso.

Proviso.

**118.** In case of a poll at an election of persons to serve in municipal councils, the votes shall be given by ballot. R.S.O. c. 184, s. 118.

Votes to be by ballot.

*List of Defaulters in payment of Taxes.*

**119.**—(1) On or before the day of nomination of candidates, if the collectors' roll has been returned to the treasurer of the municipality, the treasurer shall prepare and verify on oath, or if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of—

Preparation of list of defaulters.

(a) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the 14th day of December preceding the election; and,

(b) In municipalities which have passed by-laws under sub-section 2 of section 489 of this Act, all persons on the voters' list (that is to say the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the 14th day of December preceding the election.

(2) Where a municipality is divided into polling subdivisions, such a list of defaulters shall be made for each polling subdivision.

List to be made for each polling division.

Certified  
copies to be  
furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. R.S.O. c. 184, s. 119.

### *Ballot Boxes.*

Ballot boxes to  
be furnished.

**120.**—(1) Where a poll is required, the clerk of the municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are wards or polling subdivisions within the municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to  
deputy return-  
ing officers.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

Clerk to pre-  
serve boxes  
for future  
elections.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the municipality.

Penalty on  
failure to fur-  
nish boxes.

(5) If the clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Deputy  
returning  
officers to  
procure boxes  
when not  
supplied.

(6) It shall be the duty of the deputy-returning officer in every ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the treasurer of the municipality in which such ward or polling subdivision is situate for the cost of the ballot box, and the treasurer shall pay to the deputy-returning officer the amount of the order. R.S.O. c. 184, s. 120.

### *Ballot Papers.*

Ballot papers  
to be printed.

**121.**—(1) Where a poll is required, the clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election.

Contents and  
form of ballot  
papers.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. R.S.O. c. 184, s. 121.

**122.**—(1) The names of the candidates for mayor in cities, and for mayor, reeve and deputy-reeves in towns, shall not be included in the same ballot paper with the names of the candidates for aldermen and councillors respectively; but

Different sets of ballot papers to be prepared.

(2) In cities one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen in the ward; and

In cities.

(3) In towns one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor and reeve and deputy-reeve, and another kind or set shall be prepared for each ward or polling subdivision, containing the names of the candidates for councillors in the ward; and

In towns.

(4) In townships divided into wards, one kind or set of ballot papers shall be prepared for all the wards, containing the names of the candidates for reeve, and another kind or set shall be prepared for each ward, containing the names of the candidates for councillors in the ward. R.S.O. c. 184, s. 122.

In townships divided into wards.

**123.** The ballot papers shall be in the form of Schedule A to this Act. R.S.O. c. 184, s. 123.

Form of ballot papers.

### *Polling Places.*

**124.** In case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy-returning officer has been appointed to act, and shall also furnish to the deputy-returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the deputy-returning officer for the convenient use of voters. R.S.O. c. 184, s. 124.

Clerk to furnish deputy returning officers with ballot papers, etc.

**125.** Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the municipality and deputy-returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place. R.S.O. c. 184, s. 125.

Compartment wherein voters may mark votes.

### *Directions to Voters.*

**126.** In case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer such number of printed directions

Clerk to furnish deputy returning officer with directions for voters' guidance.

for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act. R.S.O. c. 184, s. 126

Deputy returning officers to placard the directions.

**127.** Every deputy-returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the clerk of the municipality, if he did not receive the same before the opening of the poll, cause the printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R.S.O. c. 184, s. 127.

### *Voters' and Defaulters' Lists.*

Proper voters' list to be used at an election.

52 V. c. 3.

**128.** Subject to the provisions of the next following three sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the clerk of the peace under *The Voters' Lists Act*. R.S.O. c. 184, s. 128.

For first election in new municipality.

**129.** For the first election of a new municipality for which there is no separate assessment roll, the clerk of the municipality shall provide every deputy-returning officer with a poll book, prepared according to the form of Schedule C to this Act, instead of a voters' list, and either the deputy-returning officer or his sworn poll clerk shall therein enter, in the proper column, the name of every person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. R.S.O. c. 184, s. 129.

Voters' lists in cases under section 84.

**130.—(1)** Where any territory is added for municipal purposes, to any city, town, or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or where a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases, the clerk of the new or enlarged city, town, or village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the city, town, or village if such territory had remained separate from the city, town, or village, from the last filed or certified voters' list of the municipality or municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the clerk, and delivered by him to the proper deputy-returning officers for the purpose of enabling the persons named in such lists to vote at the election. R.S.O. c. 184, s. 130.

Form of supplementary lists.

**131.**—(1) In any municipality for which there is a separate assessment roll, but for which no voters' list for the municipality has been filed with the clerk of the peace or certified by the County Judge under *The Voters' Lists Act*, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every or any ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand.

List of Voters

52 V. c. 3.

(2) In the case of—

(a) Income voters, and

(b) Persons assessed for real property, if the municipality has passed a by-law under sub-section 2 of section 489 of this Act,

the clerk shall exclude from the list such persons as may be returned to him by the treasurer or collector as being in default for not having paid their municipal taxes respectively on or before the 14th day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. R.S.O. c. 184, s. 131.

Persons in arrears for taxes shall be excluded from list.

**132.** In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy-returning officer for every ward or polling subdivision, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or polling sub-division under section 128 and following sections, together with a blank poll book according to the form of schedule C to this Act, and also a copy of the proper defaulter's list for the polling sub-division certified by the treasurer or collector pursuant to section 119 of this Act. R.S.O. c. 184, s. 132; 54 V. c. 42, s. 3.

Delivery of copies of voters' list to book and defaulters' list to deputy returning officers.

**133.** The copies of the voters' lists in the next preceding section mentioned, may be prepared by the clerk of the municipality, or may be procured from the clerk of the peace, if filed under *The Voters' Lists Act*, and in the latter case the clerk of the peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. R.S.O. c. 184, s. 133

Copies may be prepared by clerk of municipality or procured from clerk of peace.

52 V. c. 3

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

**134.** The defaulters' lists furnished and verified by the treasurer or collector as aforesaid, shall be the evidence on which the deputy-returning officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 119 of this Act. R.S.O. c. 184, s. 134.

*Certificates as to the Assessment Roll.*

Clerk to give certificate of dates of return and final revision of assessment roll.

**135.**—(1) The clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer a certificate (which may be in the form of Schedule D to this Act), of (a) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the assessor, and also (b) of the day when the said assessment roll was finally revised and corrected.

Fee for certificate.  
Penalty for neglect.

(2) The clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of \$200 in case of neglect or refusal.

To be evidence of such date at the poll.

(3) The certificate, when delivered to the deputy-returning officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be.

When assessment roll to be considered as finally revised and corrected.  
Rev. Stat c 193.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the court of revision for the municipality, or by the Judge of the County Court in case of an appeal, as provided by *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before. R.S.O. c. 184, s. 135.

*Municipalities not divided into Wards.*

In Municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers

**136.** In case of municipalities which are not divided into wards or polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy-returning officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list, poll book and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to deputy-returning officers; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer in respect of a ward or polling subdivision. R.S.O. c. 184, s. 136; 54 V. c. 42, s. 4.

*Where electors may vote.*

**137.** In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification, but in case of mayor of cities, mayor, reeve or deputy reeve of towns, the elector is limited to one vote. R.S.O. c. 184, s. 137.

Voting in towns and cities.

**138.** In townships and incorporated villages divided into wards or polling subdivisions, no elector shall vote in more than one ward or polling subdivision for the same candidate. R.S.O. c. 184, s. 138.

Voting in townships and villages.

**139.** Every elector who is entitled to a vote in more than one ward or polling subdivision shall vote for mayor in cities, and for mayor, reeve, and deputy-reeve in towns, and for reeve in townships divided into wards, at the polling place of the ward or polling subdivision in which he is resident, if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the ward or polling subdivision where he resides, then where he first votes and there only. R.S.O. c. 184, s. 139.

Where persons are to vote for mayor, reeve, and deputy reeve.

**140.**—(1) Any person who votes for mayor, reeve, or in towns or townships for deputy-reeve, after having already voted for mayor, reeve, or deputy-reeve at some other polling place at that election, shall incur a penalty of \$50, to be recovered, with full costs of suit, by any person who will sue for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections.

Penalty for voting twice for mayor, reeve or deputy reeve.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. R.S.O. c. 184, s. 140.

**141.**—(1) The clerk of the municipality, on the request of any elector, entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

(2) On the production of the certificate, the deputy-returning officer, poll clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise

Right to vote on production of certificate.

have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy-returning officer, poll clerk, or agent during the day of polling; nor to vote for aldermen in cities, or councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled so to vote.

Who to  
administer  
oath.

(3) In case of a deputy-returning officer voting at the polling station where he has been appointed, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk any elector authorized to be present, may administer to the deputy-returning officer the oath required by law to be taken by voters. R.S.O. c. 184, s. 141.

#### DIVISION V.—THE POLL.

*Ballot box to be exhibited. Sec. 142.*

*Duty of Deputy Returning-Officer. Secs. 142-145, 155.*

*How votes to be received. Secs. 143-145.*

*How ballot paper to be marked. Sec. 146.*

*Exclusion from balloting compartment. Sec. 147.*

*Ballot papers not to be taken away. Sec. 148.*

*Proceedings in case of incapacity to mark ballot. Sec. 149.*

*Ballot paper inadvertently spoiled. Sec. 150.*

*Who may be present in polling place. Sec. 151.*

*Counting the votes—Objections—Statement. Sec. 152.*

*Who may be present at the counting of the votes. Sec. 153.*

*Certificates of state of poll. Sec. 154.*

*Returns, etc., to be made by Deputy-Returning Officers. Sec. 155.*

*Clerk to cast up votes and declare who is elected. Secs. 156, 160.*

*Right of Clerk, Deputy-Returning Officers and Poll Clerks to vote. Sec. 157.*

*Riots. Secs. 158, 159.*

*Declarations of Office to be made by persons elected. Sec. 161.*

Deputy re-  
turning officer  
to shew box  
empty to per-  
sons present  
and then lock  
and seal it.

**142.** The deputy-returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. R.S.O. c. 184, s. 142.

Proceedings  
by deputy re-  
turning officer  
on tender of  
vote.

**143.** Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows:

1. He shall ascertain that the name of such person is entered Name.  
or purports to be entered upon the voters' list for the ward or  
polling subdivision for which such deputy-returning officer is  
appointed to act. R.S.O. c. 184, s. 143. (1)

2. He shall record or cause to be recorded by the poll clerk Recording.  
in the proper columns of the poll book the name, qualification,  
residence and legal addition of such person. 54 V. c. 42, s. 5.

3. If such person takes the oath or affirmation required to Oath.  
be taken by voters in the manner directed by sections 102  
to 105 inclusive of this Act, the deputy-returning officer shall  
enter or cause to be entered opposite such person's name, in the  
proper column of the said poll book the word "*Sworn*," or  
"*Affirmed*," according to the fact.

4. Where the vote is objected to by any candidate or his Objection.  
agent, the deputy-returning officer shall enter the objection,  
or cause the same to be entered in the poll book, by writing  
opposite the name of such person in the proper column, the  
words "*Objected to*," stating, at the same time, by which candi-  
date or on behalf of which candidate the objection has been  
made, by adding after the words "*Objected to*," the name only  
of such candidate.

5. Where such person has been required to take the Refusal to  
oath or affirmation, and refuses to take the same, the take the oath.  
deputy-returning officer shall enter or cause to be entered  
opposite the name of such person, in the proper column of the  
poll book, the words "*Refused to be Sworn*," or "*Refused to*  
*Affirm*," according to the fact; and the vote of such person  
shall not be taken or received; and if the deputy-returning  
officer takes or receives such vote, or causes the same to be  
taken or received, he shall incur a penalty of \$200. R.S.O. c.  
184, s. 143 (3-5); 54 V. c. 42, s. 6, *part*.

6. Where the proper entries respecting the person so claim- Deputy re-  
ing to vote have been made in the poll book in the manner turning officer  
prescribed, the deputy-returning officer shall, before signing his to mark ballot  
name or initials on the back of the ballot paper, place or cause paper and  
to be placed a check or mark opposite to the name of the voter's list.  
voter in the certified voter's list to indicate that the name of  
such person has been entered in the poll book and the person  
allowed to vote. 54 V. c. 42, s. 7.

7. The ballot paper shall be delivered to such person.

Delivery of  
paper to voter.

8. The deputy-returning officer may, and upon request  
shall, either personally or through his sworn poll clerk, explain  
to the voter, as concisely as possible, the mode of voting.  
R.S.O. c. 184, s. 143 (7-8).

Deputy re-  
turning officer  
to explain  
mode of  
voting.

144. Every deputy-returning officer refusing, or wilfully  
omitting to sign his name or initials upon the back of the  
ballot paper, as provided for by sub-section 6 of section 143

Deputy re-  
turning officer  
refusing, etc.,  
to initial  
ballot paper.

of this Act, shall forfeit to any person aggrieved by such refusal, or omission, the sum of \$10, in respect of every ballot paper deposited at his polling subdivision, upon which the said deputy-returning officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by section 214 of this Act. R.S.O. c. 184, s. 144.

Deputy re-  
turning officer  
to note in poll  
book voters to  
whom ballot  
papers given

**145.** The deputy-returning officer shall place, or cause to be placed, in the columns of the poll book headed "*Mayor*," "*Reeve*," (or "*Mayor and Reeve*") "*Alderman*," and "*Councillor*," as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for mayor, reeve, alderman, or councillor as the case may be. R.S.O. c. 184, s. 145; 54 V. c. 42, s. 6, *part*.

Marking  
ballot paper

**146.** Upon receiving from the deputy-returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross; thus X, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the deputy-returning officer; and leaving the compartment, shall, without delay, and without shewing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. R.S.O. c. 184, s. 146.

Exclusion  
from balloting  
compartment.

**147.** While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R.S.O. c. 184, s. 147.

Voter not to  
take his ballot  
paper from  
polling place.

**148.** No person who has received a ballot paper from the deputy-returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall

thereby forfeit his right to vote; and the deputy-returning officer shall make an entry in the poll book, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the deputy-returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall return said ballot paper to the clerk of the municipality, as hereinafter directed. R.S.O. c. 184, s. 148; 54 V. c. 42, s. 6, *part*.

**149.** In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:

1. The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box. R.S.O. c. 184, s. 149, (1).

2. The deputy-returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section, and the reason why it is so marked. R.S.O. c. 184, s. 149 (2); 54 V. c. 42, s. 6 *part*.

3. The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting. R.S.O. c. 184, s. 149 (3).

**150.** A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy-returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall return the ballot paper to the clerk of the municipality as hereinafter directed. R.S.O. c. 184, s. 150.

Proceedings in case of incapacity to mark a ballot paper.

Proceedings in case ballot paper cannot be used.

Who may be present at polling place.

**151.** During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks, or agents, authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the deputy-returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the deputy-returning officer, be obstructing the polling or wilfully violating the provisions of this Act. R.S.O. c. 184, s. 151.

Counting the votes.

**152.** Immediately after the close of the poll in every polling place, the deputy-returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:

Rejected ballots.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the deputy-returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the deputy-returning officer on the back, is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

Deputy returning officer to note objections taken to ballot papers at the counting, and number objection and ballot paper to correspond.

2. The deputy-returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

3. Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer.

Endorsing ballot paper.

4. The deputy-returning officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to,*" if any objection is made to his decision.

Statement

5. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him which shall be made under the several heads—

- (a) Name or number of ward or polling subdivision and of the municipality and the date of election ;
- (b) Number of votes for each candidate ;
- (c) Rejected ballot papers.

6. Upon the completion of the written statement, it shall be forthwith signed by the deputy-returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. R.S.O. c. 184, s. 152. Statement to be signed.

**153.** No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. R.S.O. c. 184, s. 153. Agents entitled to be present.

**154.** Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected ballot papers. R.S.O. c. 184, s. 154. Deputy returning officer to give certificate of state of poll.

**155.**—(1) Every deputy-returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality, Deputy returning officer's duties after votes are counted.

- (a) The statement of votes given for each candidate and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) A statement of the number of voters whose votes are marked by the deputy-returning officer under the heads "Physical incapacity," and "Unable to read," with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot-box.

Declaration by deputy returning officer as to use of voters' list.

(2) Before returning the voters' list to the clerk of the municipality the deputy-returning officer shall make and subscribe before such clerk, or a Justice of the Peace or the poll clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule G to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality.

Packets of ballot papers etc., to be delivered to the clerk of municipality.

(3) If the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall forthwith deliver such packets personally to the clerk of the municipality; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the clerk of the municipality.

Statement to be made by deputy returning officer on return of ballot papers, etc.

(4) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

If dispute as to result arises how to be settled.

(5) If the deputy-returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy-returning officer the packages of ballot papers shall be broken open by the clerk of the municipality, in the presence of the deputy-returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the deputy-returning officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned: and the clerk of the municipality shall forthwith, in the presence of the deputy-returning officer and such of the candidates or of their agents

as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. R.S.O. c. 184, s. 155.

**156.** The clerk of the municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall, at the town hall, or, if there is no town hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. R.S.O. c. 184, s. 156.

Clerk to cast up votes and declare who is elected, etc.

**157.**—(1) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

In case of a tie clerk to have a casting vote;

(2) Except in such case, no clerk of the municipality shall vote at any municipal election held in his municipality. *See sec. 319.*

but otherwise, not to vote.

(3) All deputy-returning officers and persons employed as deputy-returning officers and poll clerks, if otherwise qualified, shall be entitled to vote. R.S.O. c. 184, s. 157.

Deputy returning officers, etc., may vote if qualified.

**158.** In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy-returning officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R.S.O. c. 184, s. 158.

Election not commenced, or interrupted by reason of riot etc., to be resumed.

**159.** In case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours the returning officer, or deputy-returning officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the

If election is prevented for four days, poll book is to be returned, and a new election ordered.

head of the municipality shall forthwith issue his warrant therefor. R.S.O. c. 184, s.159. *See also sec. 181.*

Declaration of election—duty of the Clerk.

**160.** When a poll has been duly held in each of such wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, or if there is no town hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. R.S.O. c. 184, s. 160.

Declaration and assumption of office.

**161.** The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. R.S.O. c. 184, s. 161.

#### DIVISION VI.—MISCELLANEOUS PROVISIONS.

*Disposition of Ballot Papers. Sec. 162.*

*Inspection of Ballot Papers. Sec. 163.*

*Recount of Votes. Secs. 163-165.*

*Production of documents, how far evidence, etc. Sec. 166.*

*Offences and Penalties. Secs. 167, 168.*

*Secrecy of proceedings at polling places. Secs. 169-171.*

*Candidates may do Agents' duty. Sec. 172.*

*Non-attendance of Agents. Sec. 173.*

*Computation of time. Sec. 174.*

*Technical objections not to prevail. Sec. 175.*

*Expenses of Clerk of Municipality, etc. Sec. 176.*

Ballot papers how disposed of.

**162.** The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by deputy-returning officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed amongst the records of the municipality by the said clerk. R.S.O. c. 184, s. 162.

Ballot papers to be inspected only by order of a Court or Judge.

**163.—(1)** No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a

petition questioning an election or return ; and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient. Order may be subject to conditions.

(3) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the county in which the municipality is situated, at any time within fourteen days from the time the ballot papers are received by the clerk of the municipality, that a deputy-returning officer at any election in such municipality for mayor, alderman, reeve, deputy-reeve, councillor, or water commissioner, in counting the votes has improperly counted or rejected any ballot papers at such election, the County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same. Recount of votes by the County Judge.

(4) At the time of the application for a re-count, the applicant shall deposit with the clerk of the County Court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the Judge. Deposit by applicant.

(5) The County Judge, the clerk of the municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge shall be present at the re-count of the votes. Who may be present at re-count.

(6) At the time and place appointed the County Judge shall proceed to re-count all the votes or ballot papers received by the clerk of the municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted ; (b) the ballot papers which have been objected to, but which have been counted by the deputy returning officer ; (c) the rejected ballot papers ; (d) the spoiled ballot papers ; (e) the unused ballot papers ; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered. Opening of packets.

(7) The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such The re-count to be a continuous proceeding.

other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents. R.S.O. c. 184, s. 163, (1-7).

Procedure on  
re-count.

(8) The County Judge shall proceed to re-count the vote as follows :

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the deputy-returning officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for, but no word or mark written or made, or omitted to be written or made by the deputy returning officer on a ballot paper, shall avoid the same.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following :

- (a) Name of municipality ;
- (b) Names of the candidates ;
- (c) Number of votes for each candidate ;
- (d) Papers wanting signature or initials of deputy-returning officer ;
- (e) Papers rejected as voting for more candidates than entitled to ;
- (f) Papers rejected as having a writing or mark by which voters could be identified ;
- (g) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the re-count, or as soon as he has thus ascertained the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the clerk of the municipality, who shall then declare to be elected the candidate having the highest number of votes ; and in case of an

equality of votes, the clerk of the municipality shall have the casting vote as provided in section 157 of this Act. R.S.O. c. 184, s. 163 (8); 52 V. c. 36. s. 6.

**164.** Nothing in the preceding section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise. R.S.O. c. 184, s. 164. Existing remedies not affected.

**165.**—(1) All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful. Costs of application.

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court. Taxation of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. R.S.O. c. 184, s. 165. Recovery of costs.

**166.** Where a rule or order is made for the production by the clerk of the municipality, of any document in his possession relating to a specified election, the production of the document by the clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the clerk, shall be evidence of such papers being what they are stated to be by the endorsement. R.S.O. c. 184, s. 166. Production of documents and endorsements on ballot papers evidence for certain purposes.

**167.**—(1) No person shall—

Offences.

(a) Without due authority supply any ballot paper to any person; or

(b) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

(c) Fraudulently take out of the polling place any ballot paper; or

(d) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or

(e) Apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or having voted once and not being entitled to vote again at an election shall apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper. R. S. O. c. 184, s. 167 (1); 51 V. c. 28, s. 12.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. R.S.O. c. 184, s. 167 (2-3).

Money penalty for offences.

**168.** Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 119 to 167, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. R.S.O. c. 184, s. 168.

Maintaining secrecy of proceedings at polling places.

**169.**—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R.S.O. c. 184, s. 169. Penalty for contravening this section.

**170.** The clerk of the municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the clerk of the municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the clerk of the municipality, or of the deputy-returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. R.S.O. c. 184, s. 170. Statutory declaration of secrecy.

**171.** No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted. R.S.O. c. 184, s. 171. No one compellable to disclose his vote.

**172.** A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 149. R.S.O. c. 184, s. 172. Candidates may undertake duties of an agent.

**173.** When in the sections of this Act numbered from 119 to 172 inclusive expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. R.S.O. c. 184, s. 173. Expressions in ss. 119-172, referring to agents.

**174.** In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority Public holidays, etc., excluded in

reckoning time under ss. 119-172, except for nomination and election of mayors, etc.

for a public holiday, fast or thanksgiving shall be excluded ; and where anything is required by this Act to be done on a day which falls on such days, such things may be done on the next juridical day ; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor and aldermen in cities, and mayor, reeve, deputy-reeves and councilors in other municipalities. R.S.O. c. 184, s. 174.

No election to be invalid for want of compliance with principles of Act where result not affected.

**175.** No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. c. 184, s. 175.

Expenses incurred by officers to be refunded.

**176.** The reasonable expenses incurred by the clerk of the municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the clerk of the municipality by the treasurer of the municipality, and shall be distributed by the clerk of the municipality to the several persons entitled thereto. R.S.O. c. 184, s. 176.

#### DIVISION VII.—VACANCIES IN COUNCIL.

*By Crime, Insolvency, or Absence. Sec. 177.*

*Quo Warranto proceedings. Sec. 178.*

*By Resignation. Secs. 179, 180.*

*How filled—New Elections. Secs. 180-182, 185.*

*Seat held for residue of term. Sec. 183.*

*Not to prevent organization of Council. Sec. 184.*

*In certain cases Council to fill. Sec. 186.*

Seats to become vacant by crime, insolvency, absence, etc.

**177.** If after the election of a person as member of a council he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. R.S.O. c. 184, s. 177.

**178.** In the event of a member of a municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat such member, as provided by sections 187 to 208, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. R.S.O. c. 184, s. 178.

*Quo warranto* proceedings on omitting to vacate seat.

**179.** Any mayor or other member of a council may, with the consent of the majority of the members present, to be entered on the minutes of the council, resign his seat in the council. R.S.O. c. 184, s. 179.

Any member may resign with consent of majority of council.

**180.** The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the clerk shall notify all the members of the council, and shall, if required by a majority of the members of the county council, call a special meeting to fill such vacancy. R.S.O. c. 184, s. 180.

Resignation of warden provided for.

Vacancies, how filled.

**181.** In case no return is made for one or more wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council, shall forthwith, by warrant, under the signature of such head, clerk or member, if procurable, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. R.S.O. c. 184, s. 181.

New election provided for, and mode of conducting same.

**182.** In case the office of mayor of a city or town becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term. R.S.O. c. 184, s. 182.

Election of Mayor on vacancy after 1st Dec.

Seat to be held  
for residue of  
term.

**183.** The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. R.S.O. c. 184, s. 183.

Warrant for  
new election ;

**184.** In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk, in like manner, as provided by section 181, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. R.S.O. c. 184, s. 184

but neglect  
not to prevent  
organization of  
council.

Time for hold-  
ing new elec-  
tion.

**185.** The returning officers and deputy-returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. R.S.O. c. 184, s. 185.

Mode of ap-  
pointing requi-  
site number of  
members of  
council if  
election ne-  
glected, etc.

**186.** In case, at an annual or other election, the electors, from any cause not provided for by sections 158 or 159, neglect or decline to elect the members of council for a municipality on the day appointed, or to elect the requisite number of members, the new members of the council, if they equal or exceed the half of the council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them,—shall appoint as many qualified persons as will constitute or complete the number of members requisite ; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. R.S.O. c. 184, s. 186.

#### DIVISION VIII.—CONTROVERTED ELECTIONS.

*How validity or right of election determined. Secs. 187-197.*

*Writ for removal, etc. Sec. 198.*

*If election of whole Council invalid. Sec. 199.*

*Disclaimer. Secs. 200-205.*

*Costs. Sec. 206.*

*Decision of Judge final—Enforcing Judgment. Sec. 207.*

*Judges may settle forms and practice. Sec. 208.*

Trial of con-  
tested elec-  
tions or right  
to elect.

**187.**—(1) In case the right of a municipality to a reeve or deputy-reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy-reeve, alderman, or councillor is contested, the same may be tried by a Judge of the High Court, or the senior or officiating Judge of the County Court of the county in which the election or appointment took place ; and when the right of a municipality

to a reeve or deputy-reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the council or any elector of the ward, or if there is no ward, of the municipality for which the appointment was made, may be the relator for the purpose. R.S.O. c 184, s. 187.

(2) The Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers at his request under the rules of the Supreme Court of Judicature from time to time in force, shall have the same jurisdiction as a Judge of the High Court to try the matters aforesaid.

Jurisdiction of Master in Chambers.

(3) The judgment of a Judge of the High Court shall be final, but the judgment of the Master in Chambers or other officer aforesaid or of a County Court Judge under this section shall be appealable to a Judge of the High Court, and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal in other cases from the judgment of a Local Master or the Master in Chambers. The judgment of a Judge of the High Court on such an appeal shall be final

Appeal from County Judge or Master in Chambers.

**188.** If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to such Judge, or officer having jurisdiction as aforesaid, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a commissioner for taking affidavits or bail in the sum of \$200 with two sureties (to be allowed as sufficient by the Judge or officer aforesaid upon affidavit of justification) in the sum of \$100 each, conditioned to prosecute with effect, any motion in the nature of a *quo warranto* notice of which may as hereinafter mentioned be allowed to be served and to pay the party against whom the motion is made any costs which may be adjudged to him against the relator, the Judge or officer having jurisdiction as aforesaid shall grant an order or fiat for the service of a notice of motion in the nature of a *quo warranto* to be issued to try the matters contested. R. S. O. c. 184, s. 188.

Time within which proceedings to be instituted, and security and proof required.

**189.** The Judge of the High Court or officer aforesaid before whom the motion is returnable, may order the evidence to be used on the hearing of the summonses to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all the parties interested, and such Judge shall return the evidence to the Registrar at To-

Evidence to be used on return of writ may be taken *viva voce* by leave of judge, etc.

ronto of the Division of the High Court to which the matter is assigned, and every party shall be entitled to a copy thereof. R. S. O. c. 184, s. 189.

When the relator claims the seat.

**190.** In case the relator alleges that he himself or some other person has been duly elected, the motion shall be to try the validity, both of the election complained of and the alleged election of the relator or other person. R.S.O. c. 184, s. 190.

When several elections complained of.

**191.** In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one motion against such persons. R.S.O. c. 184, s. 191.

Where more motions than one all to be tried by the same judge.

**192.** Where more motions than one are made to try the validity of an election, or the right to a reeve or deputy-reeve or reeves as aforesaid all such motions shall be made returnable before the Judge who is to try the first, and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. R.S.O. c. 184, s. 192.

*[R. S. O. c. 184, s. 193, omitted as no longer applicable.]*

Service of notice of motion.

**194.** The notice of motion shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. R.S.O. c. 184, s. 194.

Returning officer or deputy returning officer may be made a party.

**195.** The Judge before whom the motion is made returnable, may, if he thinks proper, at any stage of the proceedings make an order adding the returning officer or any deputy-returning officer a party thereto. R.S.O. c. 184, s. 195.

The judge may allow certain persons to intervene and defend.

**196.** The Judge before whom the motion is returnable may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. R.S.O. c. 184, s. 196.

Mode of trial.

**197.** The Judge shall, in a summary manner, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy-reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury in any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section 212. R.S.O. c. 184, s. 197.

**198.** In case the election complained of is adjudged invalid, the Judge shall, by the judgment, order the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held. R.S.O. c. 184, s. 198.

If election invalid, judge shall remove person not duly elected, and admit person elected, or cause new election.

**199.** In case the election of all the members of a council is adjudged invalid, the order for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. R.S.O. c. 184, s. 199.

When writ for new election to go to the sheriff.

**200.** Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the notice of motion, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of \_\_\_\_\_," (as the case may be), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

When defendant may disclaim.

"I, A. B., upon whom a notice of motion, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of \_\_\_\_\_, in the County of \_\_\_\_\_ (or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same.

Form of notice of disclaimer.

"Dated \_\_\_\_\_ day of \_\_\_\_\_ (Signed) "A. B."

R.S.O. c. 184, s. 200.

**201.** Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of \_\_\_\_\_," (as the case may be), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

Defendant may disclaim, except in certain cases.

"I, A. B., upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of \_\_\_\_\_, in the County of \_\_\_\_\_ (or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same.

Mode of proceeding.

Form.

the case may be), do hereby disclaim the said office, and all defence or any right I may have to the same.

"Dated

day of

(Signed)

"A. B."

R.S.O. c. 184, s. 200.

Transmission of disclaimer.

**202.** The disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. R.S.O. c. 184, s. 201.

Person elected may disclaim at any time before his election is complained of. Form.

**203.** Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:

"I, A. B., do hereby disclaim all right to the office of Township Councillor, (or as the case may be) for the Township of \_\_\_\_\_ (or as the case may be), and all defence of any right I may have to the same." R.S.O. c. 184, s. 202.

Disclaimer to operate as resignation.

**204.** Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer, as the case may be. R.S.O. c. 184, s. 203.

Duplicate disclaimer to be delivered to clerk.

**205.** Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. R.S.O. c. 184, s. 204.

[R. S. O. c. 184, s. 206, omitted from consolidation.]

Costs against person disclaiming.

**206.** No costs shall be awarded against a person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. R.S.O. c. 184, s. 205.

Judgment to be final and to be returned to the court.

**207.** The Judge or officer having jurisdiction as aforesaid shall, immediately after his judgment, return the judgment, with all things had before him touching the same, to the registrar of the Division to which the matter is assigned, there to remain of record as a judgment of the High Court; and he shall, as occasion requires, enforce the judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. R.S.O. c. 184, s. 207.

Mode of enforcing judgment.

The judges to make rules, etc.

**208.** The Judges of the High Court, or a majority of them, may, by rules, settle the forms of the writs of *certiorari*, *mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge or officer aforesaid, and respecting the practice generally, in hearing and

determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. R.S.O. c. 184, s. 208.

# DIVISION IX.—PREVENTION OF CORRUPT PRACTICES.

*Bribery and undue influence defined.* Secs. 209, 210.

*Certain payments lawful.* Sec. 211.

*Evidence to be viva voce.* Sec. 212.

*Effect of the conviction of candidate for bribery.* Sec. 213.

*Penalties.* Sec. 214.

*How penalties recoverable.* Sec. 215.

*Report and record of convictions.* Secs. 216, 217.

*Witnesses, how procured—Self-crimination or privilege not to excuse from giving evidence.* Secs. 218, 219.

*Proceedings, within what time to be taken.* Sec. 220.

*When penalties not recoverable.* Sec. 221.

*Publication of the law against corrupt practices.* Sec. 222.

**209.** The following persons shall be deemed guilty of bribery, and shall be punished accordingly :

1. Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid; on account of such voter having voted or refrained from voting at such election, or upon such by-law ;

Certain persons to be deemed guilty of bribery. Giving money to voters, etc.

2. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

Procuring office, etc., for voters.

Or for persons influencing voters.

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in a municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

Corruptly influencing voters.

Advancing, etc., money for bribery, etc. 4. Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law ;

Voter receiving money, etc., for vote, or agreeing for money to vote, etc. 5. Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law ;

Receiving money, etc., after the election for voting, or inducing, etc., to vote. 6. Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law ;

Hiring teams, etc. 7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to or from any polls as aforesaid. R.S.O. c. 184, s. 209.

Undue influence and personation at elections. **210.**—(1). Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, at any municipal election, or on account of such person having voted or refrained from voting thereat, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to give or to refrain from giving his vote at any municipal election, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of \$100, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years.

Personation at elections. (2) Every person who at any municipal election applies for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictitious person, or who having already voted at any such election improperly

applies at the same election for a ballot paper in his own name, or who advises or abets, counsels or procures any other person so to do, shall be deemed to have committed the offence of personation, and shall incur a penalty of \$200, and in default of the payment of the penalty and costs, the offender shall be imprisoned in the common gaol for a period of sixty days, unless the penalty and costs be sooner paid. 54 V. c. 42, s. 8.

**211.** The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R.S.O. c. 184, s. 211. Expenses of candidates.

**212.** Where, in an application in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 209 or 210 of this Act affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the High Court or other officer having jurisdiction before whom the motion in the nature of a *quo warranto* is returnable for that purpose, or upon an appointment granted by him in cases pending in such County Court. R.S.O. c. 184, s. 212. Evidence of corrupt practices on application in nature of *quo warranto* to be taken *viva voce*.

**213.** Any candidate elected at a municipal election, who is found guilty by the Judge, upon a trial upon an application in the nature of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. R.S.O. c. 184, s. 213. Penalty on candidates guilty of bribery, etc.

**214.** Any person who is adjudged guilty of any offence within the meaning of section 209 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. R.S.O. c. 184, s. 214; 54 V. c. 42, s. 9. Penalty for offences under s. 209.

**215.** The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. R.S.O. c. 184, s. 215. Recovery of penalties.

**216.** It shall be the duty of the Judge or officer who finds any candidate guilty of a contravention of section 209 or 210 Judge to make return.

of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. R.S.O. c. 184, s. 216.

Clerk to keep book shewing names of persons guilty of offences, etc.

**217.** The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of section 209 or 210 of this Act, and of which he has been notified by the Judge who tried the case. R.S.O. c. 184, s. 217.

Attendance of witnesses.

**218.** Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena. R.S.O. c. 184, s. 218.

Witnesses not excused from answering on grounds of self crimination or privilege.

**219.** No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge or officer, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge or officer gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge or officer. R.S.O. c. 184, s. 219.

Proviso.

Limitation of actions.

**220.** All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section 209 or 210 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon a by-law as aforesaid. R.S.O. c. 184, s. 220.

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

**221.** No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted

such other person or persons or any of them for the said act but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. Proviso.  
R.S.O. c. 184, s. 221.

**222.** The clerk of every municipality shall, prior to any election, or voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 209 to 222 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. Copies of ss. 209-222 to be posted up prior to election. R.S.O. c. 184, s. 222.

## PART IV.

### MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.  
DIV. II.—CONDUCT OF BUSINESS.

DIV. I.—WHEN AND WHERE HELD.

*First and subsequent meetings.* Secs. 223-230.  
*Remuneration of members.* Secs. 231, 232.

**223.** The members of every municipal council (except county councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. First meeting of councils.  
R.S.O. c. 184, s. 223.

**224.** No business shall be proceeded with at the first meeting of the council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. No business before declarations of office, etc. R.S.O. c. 184, s. 224.

**225.** The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. Election by county council of a warden. R.S.O. c. 184, s. 225.

**226.** At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. R.S.O. c. 184, s. 226.

**227.**—(1). In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy-reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote, and in the event of no one municipality having the greatest equalized assessment, in consequence of two or more municipalities being equalized equally, then the reeve, or, in his absence, the deputy-reeve, of the municipality having the greatest number of municipal voters entered on its last revised voters' list shall have such second or casting vote. R.S.O. c. 184, s. 227; 52 V. c. 36, s. 7.

(2) In counting the names of voters referred to in this section the name of the same person shall not be counted more than once, whether the name of such person appears upon the voters' lists only once or more than once. 52 V. c. 36, s. 8.

**228.** The members of every county council shall hold their first meeting at the county hall if there is one, or otherwise at the county court house. R.S.O. c. 184, s. 228.

**229.** The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning, to be entered on the minutes, or by by-law, appoints. R.S.O. c. 184, s. 229.

**230.** The council of any county or township in which any city, town, or incorporated village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, town or incorporated village, and may purchase and hold such real property therein as may be convenient for such purposes. R.S.O. c. 184, s. 230.

**231.** The council of every township and county may pass by-laws for paying the members of the council for their attendance in council, or any member while attending on committee of the council, at a rate not exceeding \$3 *per diem*, and five cents per mile necessarily travelled (to and from), for such attendance. R.S.O. c. 184, s. 231.

**232.** The head of the council of any county, city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine. R.S.O. c. 184, s. 232.

DIVISION II.—CONDUCT OF BUSINESS.

*Ordinary meetings to be open to public.* Sec. 233.

*Quorum.* Secs. 234, 235.

*Who to preside.* Secs. 236, 238-240.

*Special meetings.* Secs. 236-238.

*Presiding officers may vote.* Sec. 241.

*Equality of votes negatives question.* Sec. 241.

*Power to adjourn.* Sec. 242.

**233.** Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. R.S.O. c. 184, s. 233.

**234.** A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. R.S.O. c. 184, s. 234.

**235.** When a council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. R.S.O. c. 184, s. 235.

**236.**—(1) The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council.

(2) In the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council. R.S.O. c. 184, s. 236.

**237.** In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council, expressed by resolution in writing the public interest requires. R.S.O. c. 184, s. 237.

**238.** In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy reeve, and in case of the death or absence of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting. R.S.O. c. 184, s. 238.

Absence of  
head, etc.,  
provided for.

**239.**—(1). In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one, and also of the deputy-reeve or deputy-reeves, if there be one or more, by leave of the council or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. R.S.O. c. 184, s. 239.

Person acting  
as mayor to act  
as police com-  
missioner.

(2) In case of the illness or absence of the mayor, or of the office of mayor being vacant, the person appointed by the council under this section as presiding officer shall also have authority to act as a police commissioner during the time he acts as such presiding officer in the place of the mayor. *New.*

Casual absence  
provided for.

**240.** If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. R.S.O. c. 184 s. 240.

Head may  
vote.

Question  
negatived in  
case of equal-  
ity of votes.

**241.** The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. c. 184, s. 241.

Adjournment.

**242.** Every council may adjourn its meetings from time to time. R.S.O. c. 184, s. 242.

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## PART V.

### OFFICERS OF MUNICIPAL CORPORATIONS.

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DIV. I.—THE HEAD.

DIV. II.—THE CLERK.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

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#### DIVISION I.—THE HEAD.

*Who to be.* Sec. 243.

*Duties.* Sec. 244.

**243.** The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. R.S.O. c. 184, s. 243.

Who to be head of council.

**244.** The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R.S.O. c. 184, s. 244.

Duties of head of council.

## DIVISION II.—THE CLERK.

*Appointment and duties of.* Sec. 245.

*Absence of.* Sec. 246.

*Records and papers may be inspected.* Sec. 247.

*Return of statistics.* Sec. 248.

**245.** Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. R.S.O. c. 184, s. 245.

Appointment of clerk, and his duties.

**246.** The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead and the person so appointed shall, while he so acts, have all the powers of the clerk. R.S.O. c. 184, s. 246.

Provision for absence, etc., of clerk.

**247.—(1).** Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk, at all seasonable times, and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at

Minutes, etc., to be open to inspection.

Copies to be furnished, etc., and charges therefor, etc.

the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal. R.S.O. c. 184, s. 247.

Documents  
certified by  
clerk to be  
receivable in  
evidence.

(2) A copy of any document in the possession of or under the control of the clerk of the municipality certified under his hand and under the corporate seal of the municipality may, after the original thereof has been produced from the proper custody, be filed in any court in lieu of such original and shall be received in evidence without proof of the seal of the corporation or of the signature or official character of the person appearing to have signed the same and without further proof thereof unless the court or judge otherwise directs. *New.*

Returns to be  
made to Bur-  
eau of Indus-  
tries.

**248.**—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of \$20 in case of default, make a return to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for.

Tabulated  
statement of  
returns to be  
made by secre-  
tary of Bureau.

(2) The secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys pay-  
able to muni-  
cipalities in  
default to be  
retained.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the clerk of such municipality has not made the returns hereby required. R.S.O. c. 184, s. 248.

#### DIVISION III.—THE TREASURER.

*His appointment, security, duties, etc. Secs. 249-252.*

*Powers of successor, when Treasurer is dismissed or absconds.  
Sec. 253.*

Treasurer to  
be appointed.

To give secu-  
rity.

Annual  
inquiry as to  
sufficiency of.

**249.** Every municipal council shall appoint a treasurer, who may be paid either by salary or by a percentage, and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council, in each and every year, to inquire into the sufficiency of the security given by such treasurer, and report thereon. R.S.O. c. 184, s. 249.

**250.**—(1) Every treasurer shall receive, and safely keep, all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province, and the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and the treasurer shall not be liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition is expressly made of such moneys by statute.

To receive and take care of and disburse moneys, etc.

His liability limited.

(2) In case of the death of a county treasurer the warden for the time being may, by warrant under his hand and seal, appoint a treasurer *pro tempore* for such special purpose or purposes as the warden may deem necessary, who shall hold office until the next meeting of the council, and all acts performed by him, authorized by said warrant, shall be as valid and binding as if performed by a treasurer regularly appointed: provided always that the warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit shall be made. R.S.O. c. 184, s. 250.

Appointment of treasurer, *pro tem.*

Proviso.

**251.** Every treasurer shall also prepare and submit to the council, half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, incorporated villages and townships which have passed by-laws requiring this to be done, the treasurer shall, on or before the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. R.S.O. c. 184, s. 251. See secs. 82, 489 (2).

Half-yearly statement of assets.

Annual list of persons in default for taxes.

**252.**—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of \$20 in case of default, furnish to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for.

Returns to be made to Bureau of Industries.

(2) The secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every Session of the Legislature, tabulate and return to the secretary of the Bureau of Industries, a statement of the returns to be made by secretaries of the Bureau.

Tabulated statement of returns to be made by secretaries of Bureau.

report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. R.S.O. c. 184, s. 252.

Provision on dismissal from office.

**253.** In case any treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality. R.S.O. c. 184, s. 253.

#### DIVISION IV.—ASSESSORS AND COLLECTORS.

(See also R. S. O. Cap. 193, ss. 12, 13.)

*Appointment of. Secs. 254, 255.*

*Assessment Commissioner—Board of Assessors. Sec. 255.*

*Township Collectors to act for Provisional Corporations—*

*Disposal of moneys. Secs. 256, 257.*

Assessors and collectors, appointment and qualification of.

**254.**—(1) The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council.

(2) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision.

(3) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year, upon oath, to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. R.S.O. c. 184, s. 254.

In cities and towns, assessment commissioner may be appointed instead of such assessors, etc.

**255.** In cities and towns, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valuers as may be necessary, and such commissioner, assessors, and valuers shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors

appointed under the last preceding section; and the council shall also have power, by by-law, to determine the number of collectors to be appointed, and prescribe their duties, and any commissioner, assessor or collector to be appointed by any city need not be appointed annually, but shall hold office at the pleasure of the council; and all notices, in other municipalities required to be given to the clerk of the municipality in matters relative to assessment shall in such city be given to the assessment commissioner. R.S.O. c. 184, s. 255; 52 V. c. 36, s. 9.

Tenure of office of commissioner, assessors, etc.

**256.** The collectors of the several townships in a junior county of a union of counties shall, *ex officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. R.S.O. c. 184, s. 256.

Collector of provisional council.

Payments.

**257.** The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. R.S.O. c. 184, s. 257.

Moneys, how to be disposed

## DIVISION V.—AUDITORS AND AUDIT.

*Appointment and duties. Secs. 258-264.*

*Publication of abstract and statement of receipts and expenditure. Sec. 265.*

*Council to finally audit. Sec. 266.*

*County Council to regulate and audit County moneys. Sec. 267.*

*Audit, how often to be made. Sec. 268.*

*Special provisions relating to Toronto. Sec. 259.*

**258.**—(1) Subject to the provisions of the next two sections as to cities, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. And in the event of an auditor so appointed to audit the accounts of the county refusing, or being unable to act, then the head of the council shall nominate another person to act in his stead. R.S.O. c. 184, s. 258.

Auditors.

Disqualification for office of.

(2) The person so to be appointed by the head of the council shall not be a person in his employment. 53 V. c. 50, s. 6.

Appointment  
of auditors  
for Toronto.

**259.**—(1) The council of the corporation of the city of Toronto shall appoint two auditors, who shall hold office during pleasure.

Report of  
auditors.

(2) The treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit this abstract with the treasurer's books, and shall make a report on all accounts audited by them, and a special report as to any expenditure made contrary to law; and on or before the first day of May shall transmit one copy of the said abstract with their report thereon to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any individual or ratepayer of the municipality may inspect the same, at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. 52 V. c. 36, s. 10.

Time for ap-  
pointment of  
auditors in  
cities.

**260.**—(1) The council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors.

Application of  
existing laws  
as to appoint-  
ment of  
auditors.

(2) Notwithstanding this section, or any such by-law, the provisions of section 258 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. R.S.O. c. 184, s. 260.

Duty of  
auditors.

**261.** The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction. R.S.O. c. 184, s. 261.

Filling  
Vacancies.

**262.** The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. R.S.O. c. 184, s. 262.

Duties of  
auditors.

**263.**—(1) The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter

under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. R.S.O. c. 184, s. 263 (1).

(2) The auditors shall prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also a detailed statement of the same in such form as the council directs. They shall make a report on all accounts audited by them, and a special report of any expenditure made contrary to law. The auditors shall transmit one copy of the abstract and detailed statement in such form as they have been submitted to the council, to the secretary of the Bureau of Industries, Toronto, and shall file the other, together with the detailed statement and reports in the office of the clerk of the council within one month after their appointment; and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours, and may by himself or his agent at his own expense take a copy thereof or extracts therefrom. R.S.O. c. 184, s. 263 (2); 52 V. c. 36, s. 11.

To prepare abstract and detailed statement of receipts and expenditure, etc.

(a). They shall also make a report upon the condition and value of the securities given by the treasurer for the due performance of the duties of his office, and such report shall show what cash balance, if any, was due from the treasurer to the municipality at the date of the audit, and where such balance is deposited, and what security exists that the same will be available when required for the purposes of the municipality; but this shall not relieve the council from the performance of any duty imposed thereon by section 249. *New.*

(b). The auditors may make a written requisition upon the treasurer for an order or request to or upon any bank or company with whom the public moneys are or have been deposited, or with whom such treasurer has kept an account, authorizing and requesting such bank or company to exhibit the account and the details thereof to such auditors, and such treasurer shall within twenty-four hours after the delivery to him of such requisition comply therewith upon pain of forfeiture of office. *New.*

(c). It shall be the duty of the treasurer of every municipal corporation to keep the moneys of the municipality separate as far as practicable from his own moneys, and in depositing any money of the municipality in any bank or company to deposit the same to a separate account kept in his name as treasurer or under some other designation that may show the account to be an account of the money of the municipality.

Publication of  
statements of  
assets and  
liabilities.

(3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. A similar statement in detail shall be attached thereto respecting the last fifteen days of the preceding year. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality, as the council may direct.

(a) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein.

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first requested him to do so, one of such copies not later than the twenty-fourth day of December in each year and shall also see that copies of the said statement are produced at the nomination. 51 V. c. 28, s. 13.

(5) The provisions of the preceding two sub-sections shall not apply to the township municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, or Haliburton. 51 V. c. 28, s. 14.

Accounts may  
be audited be-  
fore payment.

**264.** The council of any city may, by by-law, provide that the auditors shall audit all accounts before payment. R.S.O. c. 184, s. 264.

Clerks to pub-  
lish abstracts  
and state-  
ments.

**265.** The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs, and in case of a minor municipality the clerk shall transmit to the clerk of the county council a copy of such abstract and statement, and the same shall be kept by the clerk of the county council as a record of his office. R.S.O. c. 184, s. 265.

The council to  
audit finally,  
etc.

**266.** The council shall, upon the report of the auditors finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. R.S.O. c. 184, s. 266.

**267.** Unless otherwise provided, every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. R.S.O. c. 184, s. 267. Audit of moneys to be paid by county Treasurer.

**268.** In cities and towns, the council may also appoint an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation, in conformity with any regulation or by-law of the council; and in other municipalities the auditors shall also, monthly or quarterly, if directed by by-law, examine into and audit the accounts of the corporation. R.S.O. c. 184, s. 268. Audit of accounts in cities and towns. In other municipalities.

## DIVISION VI.—VALUATORS.

### *Appointment and Duties. Sec. 269.*

**269.**—(1) The council of every county may appoint two or more valutors for the purpose of valuing the real property within the county, whose duty it shall be to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but the valutors shall not exceed the powers possessed by assessors; and the valuation so made shall be made the basis of equalization of the real property by the county council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. R.S.O. c. 184, s. 269. County council may appoint valutors, their duties, etc. Equalization of real property.

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period. *New.*

## DIVISION VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

*Declarations of office and qualification. Secs. 270-272.*

*Before whom made. Sec. 273.*

*Certificate of declaration. Sec. 273.*

*Persons to administer oaths and declarations. Sec. 274.*

*Record and deposit of. Sec. 275.*

*Oaths respecting matter before Council. Sec. 276.*

*Penalty for refusing office, or not making, or refusing to administer, declarations. Sec. 277.*

**270.**—(1) Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following: Declaration of office by certain officers.

Declaration of qualification, I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty ; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, *as the case may be*), as proprietor (or tenant, *as the case may require*) to the office of

Form of. hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*), and that such estate is (*the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*) and that such estate at the time of my election (or appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same.

(2) Where any person has been elected as reeve, deputy-reeve, or councillor of any township council he may, instead of the foregoing declaration, make and subscribe a solemn declaration to the effect following :

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty ; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, *as the case may be*) as proprietor at the time of my election to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected*), and that such estate is (*the nature of the estate to be specified and the land to be designated by its local description*) and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (*naming it*) at an amount not less than \$2,000. R. S. O. c. 184, s. 270.

Declaration of office to be made by certain officers.

**271.** Every member of a municipal council, every mayor and every clerk, treasurer, assessor and collector, engineer or clerk of works and street overseer or commissioner appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :—

Form of declaration of office.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this Township (or *as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation (where declaration is made by the clerk, treasurer, assessor, collector, engineer, clerk of works or street overseer, the words following) : ' save and except that arising out of my office or position as clerk (or *as the case may be*). ' 51 V. c. 28, s. 15, *part*.

Declaration of returning officers and others.

**271a.** Every returning officer, deputy returning officer, poll clerk, constable and other appointed officer by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following :—

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (or appointed) in this township (or *as the case may be*), and that I have not

received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office. 51 V. c. 28, s. 15, *pa t.*

**272.** The solemn declaration to be made by every auditor shall be as follows: Auditor's declaration.

I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of Form of.  
do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, *if reappointed*) with, by, or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment except, that of auditor, for the present year.

R.S.O. c. 184, s. 272.

**273.** The head and other members of the council, and the subordinate officers of every municipality, shall make the declaration of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of the municipality; and the Court, Judge, or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. Before whom declaration to be made.  
  
Certificate of declaration.  
R.S.O. c. 184, s. 273.

**274.** The head of any council, any alderman, reeve or deputy-reeve, any Justice of the Peace or clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. R.S.O. c. 184 s 274 Certain officers may administer certain oaths, etc., within municipality.

**275.** The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. R.S.O. c. 184, s. 275. Oath, affirmation or declaration to be subscribed and deposited with clerk of municipality.

**276.** The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. R.S.O. c. 184, s. 276. Head of council may administer certain oaths, etc.

**277.** Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy-reeve, councillor, police trustee, assessor or collector of or in any municipality, who Penalty for refusing to accept office or administer declaration, etc.

refuses such office, or does not within twenty days after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer such declaration, who, upon reasonable demand, refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than \$80, nor less than \$8, at the discretion of the Justices, to the use of the municipality, together with the cost of prosecution. R.S.O. c. 184, s. 277.

#### DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY

*Appointment and remuneration of officers.* Sec. 278.

*Tenure of office and duties.* Sec. 279.

*Gratuities to retiring officers.* Sec. 280.

*Security to be given by officers.* Sec. 281.

Salaries of officers.

**278.**—(1) In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

Remuneration of clerks for services performed under

Rev. Stat. c. 220.

(1a) It shall also be the duty of the council to give a fair and reasonable remuneration to the clerk of the municipality for services and duties performed by him in carrying out the provisions of *The Ditches and Water Courses Act*, the same to be fixed by by-law of the council.

Remuneration of clerks for copying documents, etc.

Rev. Stat. c. 220.

(1b) The council shall also fix by by-law the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk other than services which it is his duty to perform under the provisions of *The Ditches and Water Courses Act*. *New.*

Mode of appointment.

(2) No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration.

When municipality employing solicitor at a salary may recover costs.

(3) Where a solicitor or counsel, is employed by a municipality, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel, was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. R.S.O. c. 184, s. 278.

**279.** All officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. R.S.O. c. 184, s. 279.

Tenure of office.

Duties.

**280.** Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. R.S.O. c. 184, s. 280.

A gratuity may be given in certain cases.

**281.** The bonds or policies of guarantee of any incorporated or joint stock company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of a municipal corporation, in all cases where, by the provisions of this or any other Act, or of any by-law of such corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in such Act relating to such security, to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. R.S.O. c. 184, s. 281.

Corporations, etc., may accept security of certain companies for their officers.

Provisions respecting such security to apply.

Existing bonds may be cancelled.

## PART VI.

### GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

#### TITLE I.—GENERAL JURISDICTION OF COUNCILS.

##### II.—RESPECTING BY-LAWS.

##### III.—RESPECTING FINANCE.

##### IV.—ARBITRATIONS.

##### V.—DEBENTURES AND OTHER INSTRUMENTS.

##### VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

## TITLE I.—GENERAL JURISDICTION OF COUNCILS.

## DIVISION I.—NATURE AND EXTENT.

*Confined to Municipality—How exercised. Sec. 282.*

*General Powers. Secs. 283, 284.*

*Traders' license fees. Sec. 285.*

*May not grant monopolies—except as to Ferries. Secs. 286, 287.*

Jurisdiction of  
councils.

**282.** The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given; and the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. R.S.O. c. 184, s. 282.

General power  
to make regu-  
lations;

**283.** Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. R.S.O. c. 184, s. 283.

To repeal,  
alter, etc.,  
by-laws.

Council a  
continuing  
body.

**284.** A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a council, every council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or have been under consideration by the council, either in the then next preceding year or subsequent or prior thereto, and it shall not be necessary to begin *de novo* with any by-law, proceeding, report, matter or thing entertained by the council in such preceding year, or subsequent or prior thereto, as aforesaid. R.S.O. c. 184, s. 284.

Traders'  
license fees.

**285.** In all cases where, under the provisions of this Act, or of any other Act, any council or the board of commissioners of police, in any city, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the council and the board of commissioners of police, respectively, shall have the power to pass by-laws for fixing the sum to be paid for such license, for exercising any such trade, calling, business, or profession, in the municipality, and enforcing the payment of the license fee, and determining the time the license shall be in force. R.S.O. c. 184, s. 285.

**286.** No council shall have the power to give any person an exclusive right of exercising, within the municipality, any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. R.S.O. c. 184, s. 286.

Granting  
monopolies  
prohibited.  
  
Proviso.

**287.** A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. R.S.O. c. 184, s. 287. *See B. N. A. Act, 1867, s. 91, (13); R. S. O. cap. 117; and sec. 495 (4), post.*

Privileges of  
ferry.  
  
Exception as  
to certain  
ferries.

## TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF BY-LAWS.

DIV. II.—OBJECTIONS BY RATEPAYERS.

DIV. III.—VOTING ON BY ELECTORS.

DIV. IV.—CONFIRMATION OF BY-LAWS.

DIV. V.—QUASHING BY-LAWS.

DIV. VI.—BY-LAWS CREATING DEBTS.

DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.

DIV. VIII.—ANTICIPATORY APPROPRIATIONS.

### DIVISION I.—AUTHENTICATION OF BY-LAWS.

*Original. Sec. 288.*

*Evidence of. Sec. 289.*

*Proof of facts for Lieutenant-Governor. Sec. 290.*

**288.** Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. R.S.O. c. 184, s. 288.

How by-laws  
to be authen-  
ticated.

**289.** A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. R.S.O. c. 184, s. 289.

Evidence of.

By-laws  
requiring  
assent of the  
Lieut.-Gov.

**290.** The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the treasurer and clerk thereof, and by such other person, and on such other evidence, as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of such municipal officer, upon the declaration of any other member of the council, whose declaration the Lieutenant-Governor in Council may accept. R.S.O. c. 184, s. 290.

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## DIVISION II.—OBJECTIONS BY RATEPAYERS.

*When and how made. Sec. 291.*

*When Council shall act on objections. Sec. 292.*

Opposition to  
by-laws.

**291.** In case a person rated on the assessment roll of a municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or solicitor, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number, nor represent the amount of property, necessary to the passing of the by-law. R.S.O. c. 184, s. 291.

How to be  
made.

When by-laws  
shall not pass.

**292.** If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons, whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. R.S.O. c. 184, s. 292.

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DIVISION III.—VOTING ON BY ELECTORS.

*Proceedings preliminary to the Poll.* Secs. 293-304.

*The Poll.* Secs. 305-319.

*Who to Vote.* Secs. 308, 309

*Freeholders.* Sec. 308.

*Leaseholders.* Sec. 309.

*Oath of Freeholder.* Sec. 310.

*Oath of Leaseholder.* Secs. 311, 312.

*Proceedings after close of Poll.* Secs. 313-319.

*Requisites of certain bonus by-laws.* Sec. 320.

*Secrecy of proceedings.* Secs. 321, 322.

*Scrutiny.* Secs. 323-326.

*Passing by-laws by Council.* Secs. 327, 328.

**293.** In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for: If a by-law requires the assent of the electors, mode of obtaining same.

1. The council shall, by the by-law, fix the day and hour for taking the votes of the electors, and such places in the municipality as the council shall, in their discretion, deem best for the purpose, and where the votes are to be taken at more than one place, shall name a deputy-returning officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five, weeks after the first publication of the proposed by-law. Time and place of voting to be fixed by the by-law.

2. The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and the council shall put up a copy of the by-law at four or more of the most public places in the municipality. Publication of by-law.

3. Appended to the copy so published and posted shall be a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. Notice. R.S.O. c. 184, s. 293.

**294.** Forthwith after the day has been fixed as aforesaid, for taking the votes of electors with respect to the by-law, the clerk of the municipal council which proposed the by-law, Ballot papers to be printed.

shall cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. R.S.O. c. 184, s. 294.

Form of.

**295.** The ballot papers shall be according to the form of Schedule J to this Act. R.S.O. c. 184, s. 295.

Council to fix a day for appointment of persons to attend at polling places, and for summing up votes.

**296.** The council shall, by the by-law, fix a time when, and a place where, the clerk of the council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of, the by-law respectively. R.S.O. c. 184, s. 296.

Selection of agents.

**297.** At the time and place named, the head of the municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. R.S.O. c. 184, s. 297.

Agent to make declaration.

**298.** Before any person is so appointed he shall make and subscribe, before the head of the municipality, a declaration in the form of Schedule K to this Act, that he is interested in, and desirous of promoting, or opposing (as the case may be), the passing of the by-law. R.S.O. c. 184, s. 298.

Admission of agents to polling place, etc.

**299.** Every person so appointed, before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the deputy-returning officer, or clerk of the municipality, as the case may be, his written appointment. R.S.O. c. 184, s. 299.

Appointment in absence of agent.

**300.** In the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing, before the deputy-returning officer at the polling place, or the clerk of the municipality, a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. R.S.O. c. 184, s. 300.

Exclusion from polling place.

**301.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, clerks and persons or electors authorized to attend as aforesaid at the polling place. R.S.O. c. 184, s. 301.

**302.**—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as the person to attend at a polling place, other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy-returning officer, poll clerk, or person is entitled to vote for or against the by-law, at the polling place where such elector is stationed during the polling day, and the certificate shall also state the property or other qualification in respect to which he is entitled to vote.

Deputy-returning officers, poll clerks, and agents may vote at polling place where they are employed,

(2) On the production of the certificate, the deputy-returning officer, poll clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the ward, or polling subdivision where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place, unless he has been actually engaged as deputy-returning officer, poll clerk or person during the day of polling.

on certificate from the clerk of the municipality.

(3) In case of a deputy-returning officer voting at the polling place at which he is appointed to act, the poll clerk, or in the absence of the poll clerk, any one authorized to be present at the polling place, may administer to the deputy-returning officer the oath required to be taken of voters qualified to vote on the by-law. R.S.O. c. 184, s. 302.

Who to administer oath in such case.

**303.** In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every ward or polling subdivision, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled, under the provisions of sections 308 and 309 of this Act, to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. R.S.O. c. 184, s. 303.

Who to conduct the poll in municipalities divided into wards.

**304.** In the case of municipalities which are not divided into wards or polling subdivisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the municipality similar to the list mentioned in the preceding section; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. R.S.O. c. 184, s. 304.

In municipalities not divided into wards.

*The Poll.*

Voting to be  
by ballot.

**305.** At the day and hour fixed as aforesaid, a poll shall be held and the vote shall be taken by ballot. R.S.O. c. 184, s. 305.

Proceedings to  
be as at municipal  
elections.

**306.** The proceedings at the poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 120 to 176 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at the poll, and to all matters incidental thereto. R.S.O. c. 184, s. 306.

Form of  
directions for  
guidance to  
voters.

**307.** The printed directions to be delivered to the deputy-returning officers shall be in the form of Schedule L to this Act. R.S.O. c. 184, s. 307.

Freeholders  
who may vote  
on by-laws.

**308.**—(1) Every ratepayer, being a man, unmarried woman or widow, shall be entitled to vote on any by-law requiring the assent of the electors, who, at the time of tender of the vote, is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder, in his own right, or whose wife is a freeholder of real property within such municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, provided such person is named or purported to be named in the voters' list of electors.

In case of new  
municipality  
where there  
has been no as-  
sessment roll.

(2) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote, unless he possesses the other qualifications above mentioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the deputy-returning officer; and the deputy-returning officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. R.S.O. c. 184, s. 308.

Leaseholders  
who may vote  
on by-laws.

**309.**—(1) Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who is a man, unmarried woman or widow, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in

expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list.

(2) The said provisions as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply to a by-law respecting local improvements, under section 625 of this Act.

Leaseholders who may vote on local improvement by-laws.

(3) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names the property to the deputy-returning officer; and the deputy-returning officer shall note the property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. R.S.O. c. 184, s. 309.

In case of new municipality where there has been no assessment roll.

**309a.** Where a municipality is divided into wards, such ratepayer shall be so entitled to vote in each ward in which he has the qualification to entitle him to vote on such by-laws.

Where rate-payer qualified in more than one ward.

**310.** Any ratepayer offering to vote in respect of a freehold on such by-law, may be required by the deputy-returning officer, or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:

Oath of freeholder voting on by-law.

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty;

That you are a freeholder in your own right (or your wife is a freeholder), within the Municipality (or ward as the case may be) for which this vote is taken;

That you have not voted before on the by-law in this Township (or Ward, as the case may be);

That you are, according to law, entitled to vote on the said by-law in the ward for which this vote is taken;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, or purporting to be named, in the voters' list of electors;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or refrain from voting ;

*(In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name, in the oath, the property in respect of which he claims to vote ;)*

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. R.S.O. c. 184, s. 310.

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 625.

**311.** Any ratepayer offering to vote in respect of a leasehold, on such by-law, other than a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :

You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;

That you are (or your wife is), a leaseholder within this Municipality (or ward as the case may be) and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law in the ward for which this vote is taken ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be;) )

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

*(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality) ;*

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. R.S.O. c. 184, s. 311.

**312.** A ratepayer offering to vote in respect of a leasehold, on a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on the by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded ;

Oath of leaseholder voting on by-law respecting local improvements under section 625

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken, for one month next before the vote ;

That you are (or your wife is) a leaseholder within this Municipality, (or ward as the case may be) and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law in the ward for which this vote is taken ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be) ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality) ;

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. R.S.O. c. 184, s. 312.

**313.** The written statement to be made by every deputy-returning officer at the close of the polling shall be made under the following heads :

Form of statement to be made by deputy returning officers of result of the polling.

(a) Name or number of ward or polling subdivision, and of the municipality, and the date of the polling ;

(b) Number of votes for and against the by-law ;

(c) Rejected ballot papers. R.S.O. c. 184, s. 313.

**314.** The deputy-returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any

Objections to ballot papers.

To be numbered.

question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer. R.S.O. c. 184, s. 314.

Deputy returning officer's duties after votes are counted.

**315.** Every deputy-returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality—

- (a) The statement of votes given for and against the by-law, and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) The voters' list, with the oath in the form of Schedule G annexed thereto ; a statement of the number of voters whose votes are marked by the deputy-returning officer, under the heads "Physical incapacity" and "Unable to read," with the declarations of inability ; and the notes taken of objections made to ballot papers found in the ballot box. R.S.O. c. 184, s. 315.

Certificate and declaration of deputy returning officer and return of voters' list and of ballot box.

**316.** Every deputy-returning officer shall, at the close of the poll, certify, under his signature, on the voters' list, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid, make and subscribe before the clerk of the municipality, a Justice of the Peace or the poll clerk, his solemn declaration that the voters' list was used in the manner prescribed by law and that the entries required by law to be made therein were correctly made ; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list : he shall also forthwith return the ballot box to the clerk of the municipality. R.S.O. c. 184, s. 316.

**317.** Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. R.S.O. c. 184, s. 317.

Deputy returning officer to certify as to number of votes and rejected ballot papers.

**318.** The clerk, after he has received the ballot papers and statements before mentioned, of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the council under his hand, whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. R.S.O. c. 184, s. 318.

Clerk to cast up votes and declare result.

**319.** Where the assent of the electors, or of the ratepapers or a proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote. R.S.O. c. 184, s. 319.

Clerk not to have casting vote as to certain by-laws.

### *Requisites of Bonus By-laws.*

**320.**—(1) To render valid a by-law of a municipality for granting a bonus in aid of a railway or in aid of any water works or water company, or for taking stock in a railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by such company, the assent shall be necessary of one-third of all ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

Requisites to validity of certain bonus by-laws.

(2) In addition to the certificate required by section 318 of this Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be one-third of all the voters who were entitled to vote on the by-law.

Certificate to be given by clerk.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the Judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. R.S.O. c. 184, s. 320, 53 V. c. 50, ss. 7-8.

*Secrecy of Proceedings.*

Maintaining secrecy of proceedings at polling.

Voter not to be interfered with.

No information to be given as to how any one voted.

Secrecy to be maintained at counting.

Voters not to be induced to disclose votes.

Penalty for contravening this section.

Statutory declaration of secrecy to be made by officers, etc., before a poll.

**321.**—(1) Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to the manner in which any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, or other person shall communicate at any time, to any person, any information obtained at a polling place, as to the manner in which any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting, as to the manner in which any vote is given in any particular ballot paper.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R.S.O. c. 184, s. 321.

**322.** The clerk of the municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, or the clerk of the municipality, or a deputy-returning officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. R.S.O. c. 184, s. 322.

*Scrutiny.*

Scrutiny may be had on application to County Judge.

**323.** If within two weeks after the clerk of the council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge after giving such notice of the application, and to such persons as the Judge directs, and shews by affidavit to the Judge reason-

able grounds for entering into a scrutiny of the ballot papers and the petitioner enters into a recognizance before the Judge in the sum of \$100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$50 each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place, within the municipality, or entering into the scrutiny. R.S.O. c. 184, s. 323.

**324.** At least one week's notice of the day appointed for the scrutiny, shall be given by the petitioner to such persons as the Judge directs, and to the clerk of the municipality. R.S.O. c. 184, s. 324. Notice of time of scrutiny.

**325.** On the day and at the hour appointed, the clerk shall attend before the Judge with the ballot papers in his custody, and the Judge upon inspecting the ballot papers, and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given, is for or against the by-law, and shall forthwith certify the result to the council. R.S.O. c. 184, s. 325. Proceedings.

**326.** The Judge shall on the scrutiny possess the like powers and authority, as to all matters arising upon the scrutiny, as are possessed by him upon a trial of the validity of the election of a member of a municipal council; and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. R.S.O. c. 184, s. 326. Powers of Judge.  
Costs.

### *Passing by-laws by Council.*

**327.** A by-law which is duly carried by the vote of the qualified electors, shall within six weeks thereafter be passed by the council. R.S.O. c. 184, s. 327. By-law carried by voters to be passed by council.

**328.** In case of a petition being presented, the by-law shall not be passed by the council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. R.S.O. c. 184, s. 328. The passing of the by-law stayed on presenting of a petition.

## DIVISION IV.—CONFIRMATION OF BY-LAWS.

*By publication. Sec. 329.*

*Notice. Sec. 330.*

*When not moved against. Sec. 331.*

Promulgation  
of by-laws.

**329.** Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper, published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks. R.S.O. c. 184, s. 329.

Form of notice to be published with by-law.

**330.** The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following:

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_ and approved by His Honour the Lieutenant-Governor in Council, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_  
(where such approval is required to give effect to the by-law): And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court at Toronto, within three months next after the publication of this notice once a week for three successive weeks, in the newspaper called the \_\_\_\_\_ or he will be too late to be heard in that behalf.

R.S.O. c. 184, s. 330

If not moved against within the time limited, to be valid.

**331.** In case no application to quash a by-law is made within three months next after the third publication thereof and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. R.S.O. c. 184, s. 331.

#### DIVISION V.—QUASHING BY-LAWS.

*How to proceed. Sec. 332.*

*Time limited for applications. Secs. 333, 334.*

*Motion against for corrupt practices. Secs. 335, 336.*

*Staying proceedings upon the by-law. Sec. 337.*

*Liability of Municipality for acts under illegal by-law. Sec. 338.*

*Tender of amends. Sec. 339.*

Proceedings to quash by-law.

**332—(1)** Any resident of a municipality or any other person interested in a by-law, order or resolution of the council thereof, may by motion apply to the High Court to quash the

by-law, order or resolution, in whole or in part for illegality, and the Court may upon such motion, quash the by-law, order or resolution accordingly in whole or in part for illegality, and may according to the result of the application, award costs for or against the corporation.

(2) The notice of such motion shall be served at least seven days before the day on which the motion is to be made.

(3) The by-law, order or resolution, may upon such motion be proved by the production of a copy of the by-law, order or resolution, certified under the hand of the clerk, and under the corporate seal and shewn by affidavit to have been received from the clerk: Provided, however, that before any such motion is made or entertained the applicant shall enter into a recognizance before the Judge of the County Court of the county in which the municipality whose by-law is the subject of the notice is situate himself in the sum of \$50, and two other sureties each in the sum of \$50, conditioned to prosecute the motion with effect. The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the High Court with the other papers relating to the motion.

**333.** No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when the by-law has not been submitted to, or has not received the assent of, the electors or ratepayers, and in such case an application to quash the by-law may be made at any time. R.S.O. c. 184, s. 333

Time within which application must be made.  
Exception.

**334.** In case a by-law, by which a rate is imposed, has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. R.S.O. c. 184, s. 334.

Time after which by-law imposing a rate cannot be quashed, if promulgated.

**335.** Any by-law the passage of which has been procured through, or by means of, any violation of the provisions of sections 209 and 210 of this Act shall be liable to be quashed upon an application to be made in conformity with the provisions hereinbefore contained. R.S.O. c. 184, s. 335.

Quashing by-laws obtained by bribery, etc.

**336.—(1)** Before determining an application for the quashing of a by-law, upon the ground that any of the provisions of the said sections 209 and 210 of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the High Court that probable grounds exist for a motion to quash the by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the

Procedure in such case.

Inquiry by County Judge.

said grounds, before the Judge of the County Court of the county in which the municipality which passed the by-law is situate, and require that upon the inquiry all witnesses, both against and in support of the by-law, be orally examined and cross-examined upon oath before the County Court Judge.

Return of evidence.

Judgment.

(2) The County Court Judge shall thereupon return the evidence so taken before him, to one of the Registrars of the High Court at Toronto; and after the return of the evidence, and upon reading the same, a Judge of the High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established, he may make an order for quashing the by-law, and he may order the costs attending the proceedings to be paid by the parties or any of them who have supported the by-law; and if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash the by-law. R.S.O. c. 184, s. 336.

Costs.

Stay of proceedings on the by-law.

**337.** After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the clerk of the corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. R.S.O. c. 184, s. 337.

Municipality to be liable for acts done under illegal by-law.

Notice of action.

**338.** In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring the action, has been given to the corporation, and every such action, shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R.S.O. c. 184, s. 338.

Tender of amends.

**339.** In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. R.S.O. c. 184, s. 339. *See sec. 430.*

DIVISION VI.—BY-LAWS CREATING DEBTS.

*Requisite formalities. Secs. 340-342.*

*Principal may be repayable by annual instalments. Sec. 342.*

*Special rates a charge on property. Sec. 343.*

*Assent of electors, when required. Sec. 344.*

*When special Council meeting requisite. Sec. 345.*

*When repealable and when not. Secs. 346, 347.*

*Illegal repeal to be ignored by Municipal Officers. Sec. 348.*

*Purchase of Public Works, etc., by Councils. Sec. 349.*

*Rates to be imposed therefor. Sec. 350.*

*Registration of By-laws. Secs. 351-356.*

**340.** Every municipal council may, under the formalities required by law, pass by-laws for contracting debts, by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act:

By-laws for contracting debts.

1. The by-law, if not creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the by-law is to take effect; and if no day is named shall take effect on the day of the passing thereof; R.S.O. c. 184, s. 340 (1).

To state when to take effect.

2. If not contracted for railways, harbor works or improvements, gas or water-works, or for the purpose of public works, according to the statutes relating thereto, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the whole debt and the obligations to be issued therefor shall be made payable at twenty years at furthest, from the date on which such by-law takes effect; and if a debt is contracted for railways, harbor works or improvements, gas or water-works, or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, the same shall, in like manner, be paid in thirty years at furthest from the date on which the by-law takes effect; 53 V. c. 50, s. 9; 54 V. c. 42, s. 10.

Time for payment of certain debts by municipality.

3. The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures; also, a certain specific sum to be raised annually for the payment of the debt; such sum to be such as will be sufficient with the estimated interest on the investments thereof, to discharge the debt when payable;

Yearly rate.

4. In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly;

Interest on investments how estimated.

Property on which rate to be levied. 5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage as the case may be;

Recitals: 6. The by-law, unless it is for a work payable by local assessment, shall recite:

Amount and object of debt; (a) The amount of the debt which the new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually; (b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest;

The value of the ratable property; (c) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment roll;

Amount of existing debt. (d) The amount of the existing debenture debt of the municipality, and how much (if any), of the principal or interest is in arrear. R.S.O. c.184, s.340 (3-6).

By-law for a work payable by local assessment must recite: **341.**—(1) If the by-law is for a work payable by local assessment, it shall recite:

Amount and object of debt. (a) The amount of the debt which the by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually; (b) The total amount, required by this Act to be raised annually by special rate for paying the debt and interest under the by-law;

Value of real property ratable: (c) The value of the whole real property ratable under the by-law, as ascertained and finally determined as aforesaid;

That debt created on security of special rate. (d) That the debt is created on the security of the special rate settled by the by-law, and on that security only.

Power to guarantee local improvement debentures. (2) In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, the council of any township, city, town, or incorporated village, may declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in sub-section (d) of this section to the contrary notwithstanding. R.S.O. c. 184, s. 341.

Municipal council may make principal repayable by equal annual instalments. **342.**—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion, make the principal of the debt

repayable by annual instalments, during the currency of the period (not exceeding thirty years, if the debt is for railways, harbor works or improvements, gas or water-works or for the construction of sewers by the municipality, the purchase and improvement of parks or the erection of public school houses, and not exceeding twenty years if the debt is for any other purpose except public works constructed under statutes relating thereto), within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the municipal corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in the by-law. R.S.O. c. 184, s. 342 (1); 52 V. c. 36, s. 13.

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for sinking fund. R.S.O. c. 184, s. 342 (2).

**343.** Every special assessment made, and every special rate imposed and levied, under any of the provisions of this Act, and all sewer rents and charges for work or services done by the corporation, on default of the owners of real estate, under the provisions of any valid by-law of the council of the said corporation, shall form a lien and charge upon the real estate upon, or in respect of which, the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of *The Assessment Act*. R.S.O. c. 184, s. 343.

**344.**—(1) Every by-law (except for drainage, as provided for under section 569 of this Act, or for a work payable entirely by local assessment) for raising, upon the credit of the municipality, any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act; except that in counties the county council may raise, by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure.

What by-law shall set out.

Special rates a charge on property.

Rev. Stat. c. 193.

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors.

Exception as to by-laws for contracting extra debts not exceeding in any year \$20,000.

Exception as to erecting court houses and offices.

(2) Provided always, that where a county and city are united for judicial purposes the council of the county or city may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such county or city, as the case may be, for contracting such debt, raise such sums of money as may be required for erecting, building and furnishing a court house and offices, to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such court house and offices.

Exception as to payment by a city or town of share of county debt.

(3) And provided always that the council of a town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of a city heretofore or hereafter erected, may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done, or be entitled to do for meeting any other liability of said town or city as the case may be. R.S.O. c. 184, s. 344.

Certain by-laws of county council not to be valid unless passed at meeting specially called and held three months after notice, etc.

**345.** No such by-law of a county council for contracting any such debt or loan for an amount not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure, other than a by-law to raise money for erecting, building and furnishing a court house and offices aforesaid, or for acquiring land as provided in sub-section 2 of the last preceding section, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of the by-law, as the same is ultimately passed, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county (as constituted for judicial purposes) or if there is no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:

Form of notice.

The above is a true copy of a proposed by-law, to be taken into consideration by the Municipality of the County (or United Counties) of \_\_\_\_\_, at \_\_\_\_\_, in the said County (or United Counties), on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.

Clerk.

R. S. O. c. 184, s. 345.

When part only of money raised, by-law may be repealed as to residue.

**346.** Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided the repealing by-

law recites the facts on which it is founded, and is appointed to take effect on the 31st day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. R. S. O. c. 184, s. 346.

Proviso.

**347.** After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. R. S. O. c. 184, s. 347.

Until debt paid certain by-laws cannot be repealed,

Nor altered.

Exceptions.

**348.** No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. R. S. O. c. 184, s. 348.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

**349.** Any council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, or of any right to collect tolls on such road or bridge, or for the making such road or bridge wholly or partly free from tolls, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed, to be levied in each year, as provided by sections 340 to 342 of this Act. R. S. O. c. 184, s. 349.

Municipal councils may purchase public works, etc., and contract debts to Crown,

**350.** The council may, in any by-law to be passed for the creation of such debt, or for the executing of such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as

although no special or other annual rate settled.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. R. S. O. c. 184, s. 350.

### *Registration of By-Laws.*

By-laws creating debts to be registered.

**351.** Every by-law passed by any municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the ratable property of the municipality, or any part thereof, shall be registered by the clerk of the municipality, if a county, in the registry office for the county in which the county town is situate, or in case of local municipalities in the registry office of the registry division in which the local municipality is situate, within two weeks after the final passing thereof. R. S. O. c. 184, s. 351.

Applications to set aside registration.

**352.—(1)** Every such by-law so registered and the debentures issued thereunder, shall be absolutely valid and binding upon the municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some Court of competent jurisdiction, within three months from the registry thereof, and a certificate under the hand and seal of the clerk of the Court, stating that such action or proceeding has been brought or application made, shall have been registered in said registry office within the period of three months.

When by-law, or so much thereof as is not quashed, to be valid.

Certificate of dismissal of action.

**(2)** If the action or proceeding be dismissed, in whole or in part, then the by-law or so much thereof as is not the subject of the application, or not quashed upon the application shall be absolutely valid and binding, according to the terms thereof, on the expiration of three months from the date of the registration of the by-law; upon the dismissal of such action or proceeding, a certificate to that effect may be registered in the said registry office.

Publication of notice.

**(3)** Notice of the passing of every by-law to which this and the preceding section refer, and which has not been submitted to the ratepayers, shall immediately after the registration of the by-law be published in some public newspaper, published either within the municipality, or in the county town, or in a

public newspaper in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week, for three successive weeks. R. S. O. c. 184, s. 352. See sec. 408.

(4) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property mentioned therein, notwithstanding any want of substance or form either in the by-law itself, or in the time and manner of passing the same, shall be absolutely valid and binding upon the municipality and upon such real property according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some court of competent jurisdiction, within one month from the registry thereof.

Irregularities in form not to invalidate debentures in certain cases.

(5) Where any action or proceeding shall be brought or taken or where an application shall be made to quash or set aside such by-law so registered, a certificate thereof under the hand and seal of the clerk of the court shall be registered in such registry office within five weeks from the date of registering the by-law, and in default thereof the court or judge may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law. 54 V. c. 42, s. 11.

(6) Nothing in this section contained shall be taken to make valid a by-law or the debentures issued thereunder where it appears on the face of such by-law that the provisions of subsections 2, 3, 4 and 5 of section 340 or of section 342 of this Act have not been substantially complied with.

**353.** Nothing in the last preceding two sections contained shall make it obligatory upon any city, town, or incorporated village to register any by-laws providing for the issue of debentures, passed under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the municipality. R. S. O. c. 184, s. 353.

Exception as to local improvement by-laws.

**354.** The notice required to be published by section 352, shall be in the form following or to the like effect:

Form of notice.

Notice is hereby given that a by-law was passed by the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_, providing for the issue of debentures to the amount of \$\_\_\_\_, for the purpose of \_\_\_\_\_ and that such by-law was registered in the registry office of \_\_\_\_\_ the county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_.

Any motion to quash or set aside the same or any part thereof, must be made within three months from the date of registration, and cannot be made thereafter.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ Clerk.  
R. S. O. c. 184, s. 354.

Manner of  
registration.  
Rev. Stat. c.  
186.

**355.** The by-laws shall be registered in the way and manner provided by *The Debentures Registration Act*, and the registrar shall be paid the sum of \$2 for registration thereof. R. S. O. c. 184, s. 355.

Form of cer-  
tificate of  
pending  
action.

**356.**—(1) The certificate first referred to in section 352 shall be in the form or to the effect following :

In the \_\_\_\_\_ (*name of Court*)

This is to certify that in a certain action or proceeding in this Court, entitled \_\_\_\_\_ the validity of by-law No. \_\_\_\_\_ of the \_\_\_\_\_ entitled a by-law \_\_\_\_\_ has been called in question (*if a portion only of the by-law is called in question, state the fact*).

Dated,

(Signed), *A.B.*  
Clerk of

{ Seal. }

Form of cer-  
tificate of dis-  
missal of  
action.

(2) The certificate of dismissal of the action or proceeding shall be in the form or to the effect following :

In the \_\_\_\_\_ (*name of Court*)

I hereby certify that the action or proceeding in this Court, entitled \_\_\_\_\_ calling in question the validity of \_\_\_\_\_ by-law No. \_\_\_\_\_ of the \_\_\_\_\_ has been dismissed (*or if dismissed in part and granted in part, set out the order made, verbatim*).

Dated

(Signed), *A.B.*  
Clerk of

{ Seal. }

Fee for regis-  
tration.

(3) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. R. S. O. c. 184, s. 356

#### DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

*Amount and Limit of Rates.* Sec. 357.

*How estimated.* Sec. 358.

*Estimates and By-laws to be annual.* Secs. 359, 360.

*In case of deficiency.* Secs. 361, 362.

*In case of excess.* Sec. 363.

*Date from which Taxes imposed.* Sec. 364.

*Priority of Debentures.* Sec. 365.

*Power to Exempt from taxation.* Sec. 366.

*Reduction of Special Rate.* Sec. 367.

*Formalities in By-law therefor.* Sec. 368.

**357.**—(1) The council of every municipal corporation, and of every provisional corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year; but no such council shall assess and levy in any one year, more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates.

Yearly rates to be levied, sufficient to pay all debts payable within the year. Aggregate rate limited to two cents in the dollar.

(2) If in a municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and the principal of the debts contracted by the municipality on the 29th day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of the municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within the municipality are reduced within the aggregate rate aforesaid: but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. R. S. O. c. 184, s. 357.

Provision when such aggregate not sufficient to pay debts payable within the year.

Proviso.

**358.** In counties and local municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. R. S. O. c. 184, s. 358.

How rates to be calculated

**359.** The council of every county or local municipality shall every year make estimates of all sums which may be required for the lawful purposes of the county or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. R. S. O. c. 184, s. 359.

Estimates to be made annually.

**360.** The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates. R. S. O. c. 184, s. 360

By-laws for raising money by rate.

**361.** If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality. R. S. O. c. 184, s. 361.

If the amount collected falls short.

**362.** If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them. R. S. O. c. 184, s. 362.

Estimates may be reduced,

When sums collected exceed estimate, appropriation of the balance.

**363.** If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. R. S. O. c. 184, s. 363.

Yearly taxes to be computed from 1st January, unless otherwise ordered

**364.** The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the 1st day of January of the then current year, and end with the 31st day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. R. S. O. c. 184, s. 364.

Priority of debentures.

**365.**—(1) All debentures issued before the 1st day of January, 1867, by municipal corporations, under any by-law, and based upon the yearly value of ratable property at the time of passing such by-law, shall hold the order of priority which they occupied on the said 1st day of January, 1867; and each municipal corporation (having so issued debentures) shall levy a rate on the actual real value of the ratable property within the municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

How rates for paying them to be calculated.

To be applied solely to such purposes.

Rate for sinking fund.

(2) In cases where a sinking fund is required to be provided either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. R. S. O. c. 184, s. 365.

Exemption of manufactories or water works from taxation.

**366.** Every municipal council shall by a two-thirds vote of the members thereof have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation, except as to school taxes, for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. R. S. O. c. 184, s. 366.

When the rate imposed by a by-law may be reduced.

**367.**—(1) If on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by the by-law, in order to raise the instalment of the

sinking fund and interest required to be raised for any year, or to raise such instalments for any future years of the then unexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. R. S. O. c. 184, s. 367.

**368.** No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 290 of this Act. R. S. O. c. 184, s. 368.

By-law to be approved by Lieutenant-Governor

#### DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

*When and how made. Secs. 369, 370.*

*On Separation of Municipalities. Sec. 371.*

**369.** In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following: .

Anticipatory appropriations may be made.

1. The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid; What funds may be so appropriated.

(a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(c) And of any money derived from any temporary investment of the sinking fund;

(d) And of any surplus money derived from any corporation work or any share or interest therein;

(e) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated.

The sources and application to be stated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. R. S. O. c. 184, s. 369.

By-law must recite—  
The original debt and object ;

**370.**—(1) The by-law shall not be valid unless it recites—

The amount paid ;  
The annual amount for sinking fund  
The amount for sinking fund in hand ;

(a) The original amount of the debt, and in brief and general terms, the object for which the debt was created ;

(b) The amount, if any, already paid of the debt ;

(c) The annual amount of the sinking fund appropriation required in respect of such debt ;

(d) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;

The amount required for interest ;

(e) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation ; and

And that it is reserved, etc.

(f) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

(2) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. R. S. O. c. 184, s. 370.

By-law to be approved by Lieut.-Governor.

Anticipatory appropriation on separation of municipalities.

**371.** After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. R. S. O. c. 184, s. 371.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.

DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

*Accounts for Special Rate and Sinking Fund. Sec. 372.*

*Surplus on Special Rate, Application of. Secs. 373, 374.*

*Surplus on Special Rate, Investment of. Sec. 375.*

*General Surplus—Application of. Secs. 376-379.*

*Members of Corporations not to be parties to investments  
—Liability for loss. Sec. 380.*

*Yearly Returns to Government. Secs. 381, 382.*

**372.** The council of every municipal corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit, at all times, the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. R. S. O. c. 184, s. 372.

Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund or instalments of principal.

**373.**—(1) If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. R. S. O. c. 184, s. 373.

When surplus may be applied to next year's interest, and to sinking fund.

(2) Provided always that any moneys levied and collected for the purpose of a sinking fund, shall not in any case be applied towards paying any portion of the current or other expenditures of the municipality, save as may be otherwise authorized by this or any other Act.

Moneys levied for a sinking fund not to be diverted.

(3) In the event of the council of any municipality diverting any of said moneys for such current or any other expenditure, save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same, shall be disqualified for holding any municipal office for the period of two years. 54 V. c. 42, s. 12.

Liability of councillors for diversion of sinking fund.

Application of  
moneys with  
consent of  
Lieut.-Governor  
in council.

**374.** The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such order. R. S. O. c. 184, s. 374.

Investment of  
surplus  
moneys raised  
on special  
rates.

**375.**—(1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by such order; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The council of such municipality may regulate, by by-law, the manner in which such investments shall be made.

Sinking fund  
may be used  
in purchasing  
unsold  
debentures.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly. R. S. O. c. 184, s. 375.

Investment of  
sinking fund,

**376.** Any council may direct, by by-law, that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the council may invest such sinking fund account in any of the securities named in, and according to the provisions of, the preceding section. R. S. O. c. 184, s. 376.

**377.** Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. R. S. O. c. 184, s. 377.

Council may apply other funds towards such debts.

**378.**—(1) A municipal corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose.

Certain moneys may be set apart for educational purposes.

Investment of same.

(2). No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. R. S. O. c. 184, s. 378.

Proviso as to investment.

**379.** Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans, to any board of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law; or may by by-law grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality. R. S. O. c. 184, s. 379.

Loans to school trustees

Aid to poor school sections.

**380.** No member of a municipal corporation, shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation. R. S. O. c. 184, s. 380.

No members of corporation to be party to investment.

**381.** The treasurer of any municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by the municipality, transmit to the Treasurer of Ontario, on or before the

Liability for loss.

Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer.

Penalty for default.

Every council to make a yearly report of the corporation debts to the Lieut.-Governor, etc.

What such report must shew.

15th day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls; a true account of all the debts and liabilities of the municipality, for every purpose, for the then last year; and such further information and particulars, with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of \$100, to be recovered, with costs, as a debt due to the Crown. R. S. O. c. 184, s. 381.

**382.** Every council shall, on or before the 31st day of January in each year, under a penalty of \$20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Minister of Agriculture, an account, in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the 31st day of December preceding, specifying in regard to every debt of which a balance remained due at that day:

1. The original amount of the debt;
2. The date when it was contracted;
3. The days fixed for its payment;
4. The interest to be paid therefor;
5. The rate provided for the redemption of the debt and interest;
6. The proceeds of such rate for the year ending on such 31st day of December;
7. The portion (if any) of the debt redeemed or paid during such year;
8. The amount of interest (if any) unpaid on such last mentioned day; and
9. The balance still due of the principal of the debt. R. S. O. c. 184, s. 382; 53 V. c. 50, s. 10.

## DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

*When granted.* Sec. 383.

*Expenses of.* Sec. 384.

When a commission of inquiry may issue.

**383.** In case one-third of the members of any council, or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation, and things connected there-

with, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. R. S. O. c. 184, s. 383.

**384.** The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof, made by the commissioner or by any one of the commissioners, at the office of the treasurer of the corporation. R. S. O. c. 184, s. 384.

Expenses of such commissions.

## TITLE IV.—ARBITRATIONS.

### DIV. I.—APPOINTMENT OF ARBITRATORS.

### DIV. II.—PROCEDURE.

#### DIVISION I.—APPOINTMENT OF ARBITRATORS.

*How appointed.* Secs. 385-389, 394.

*Failure of parties to appoint.* Secs. 389, 390.

*Respecting real property taken by Corporations.* Secs. 391, 392.

*Several interests in the same property.* Secs. 393, 394.

*Award, when to be made.* Sec. 395.

*Persons disqualified from acting as Arbitrators.* Sec. 396

*Compensation for lands taken or injured.* See Secs. 483-488

**385.** The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law. R. S. O. c. 184, s. 385.

Appointment how made.

**386.** The arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. R. S. O. c. 184, s. 386.

Council, or head thereof, may appoint for corporation.

**387.** In cases where arbitration is directed by this Act either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such

Either party may appoint an arbitrator and give notice to opposite party

notice is given. A notice to a corporation shall be given to the head of the corporation. R. S. O. c. 184, s. 387.

Third arbitrator to be appointed.

**388.** The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators appoint, in writing, a third arbitrator. R. S. O. c. 184, s. 388.

When more than two municipalities interested.

**389.** In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. R. S. O. c. 184, s. 389.

Provision in case of neglect to appoint.

**390.** In case of an arbitration between municipal corporations, if for twenty-one days, or in case the arbitration is respecting drainage works, then, if, for twenty days after having received such notice, the party notified omits to appoint an arbitrator; or if, for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or an incorporated village, the Judge of the County Court of the county within which the townships, town or incorporated village are or any of them is situate, may, or in case the arbitration is between other municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. R. S. O. c. 184, s. 390; 52 V. c. 36, s. 14.

Arbitration as to real property taken or injured by municipal corporations.

**391.** In case of an arbitration between a municipal corporation and the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints, and gives due notice to the head of the council of his appointment of, an arbitrator to determine the compensation to which such person is entitled, the head of the council shall, if authorized by by-law, within seven days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property, describing it. R. S. O. c. 184, s. 391.

Provision if owner of property refuses to name an arbitrator.

**392.** In any such arbitration, if after service upon the owner or occupier of, or any person interested in the property, of a copy of the by-law (certified to be a true copy, under the hand of the clerk of the council), together with a notice in writing of the appointment of an arbitrator on be-

half of the corporation, such owner, occupier, or person interested, does not within twenty-one days appoint an arbitrator on his behalf, and give notice thereof to the said council, the corporation may (except in the case provided for in section 393) apply to the Judge of the County Court of the county in which the municipality lies to appoint an arbitrator on behalf of such owner, occupier, or person interested in the property as provided in section 394. 52 V. c. 36, s. 15.

**393.** In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in section 391 under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon, and give notice of, an arbitrator jointly appointed in their behalf, before the County Court Judge shall have power to name an arbitrator for them. R. S. O. c. 184, s. 393.

Where several parties have distinct interests in the same property

**394.** If such owner, occupier or person so interested, or the head of such council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, the Judge of the County Court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person, resident without the limits of the municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. R. S. O. c. 184, s. 394.

County Court judge to appoint arbitrator in certain cases.

**395.** In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. R. S. O. c. 184, s. 395.

Time for making award.

**396.**—(1) No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act.

Persons disqualified from acting as arbitrators.

Rev. Stat.  
c. 36.

(2) Nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration unless the arbitration relates to drainage under the provisions of this Act, or *The Ontario Drainage Act*. R. S. O. c. 184. s. 396.

## DIVISION II.—PROCEDURE.

*Oath of Arbitrator.* Sec. 397.

*Time of Meeting.* Sec. 398.

*Form of Award.* Secs. 398, 404.

*Registration of Award.* Sec. 398.

*Costs.* Sec. 399.

*Majority to decide.* Sec. 400.

*Evidence.* Sec. 401.

*Award, when adoption by By-law required.* Sec. 402.

*Award, power of Courts to review after adoption.* Sec. 403.

*Award, how made, and jurisdiction of Courts.* Sec. 404.

Arbitrators to  
be sworn.

**397.** Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or, in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace:

Form of oath  
or affirmation.

“I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God.”

R. S. O. c. 184, s. 397.

Time of meet-  
ing, etc.

**398.** The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the registrar for the registry division in which the lands affected are situate. R. S. O. c. 184, s. 398.

Costs.

**399.** The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that the costs should be taxed on either the scale of the High Court, or of the County Courts, in which case the costs shall be taxed by the officer, in the county, of the proper Court, without any further order,

and the amount shall be payable one week after taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. R. S. O. c. 184, s. 399.

**400.** In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. R. S. O. c. 184, s. 400. Majority to decide.

**401.**—(1) In case of an award under this Act, which does not require adoption by the council, or in case of an award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file, with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. R. S. O. c. 184, s. 401. Notes of the evidence added to be taken and filed in certain cases.

(2) The said arbitrator, or arbitrators, shall also at the same time file with the said clerk a certificate of each of the said arbitrators, showing the number of hours actually occupied by him, or them, in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator, or arbitrators, with the date of each such sitting and the fees charged by said arbitrators in respect of such sitting. 53 V. c. 50, s. 11.

**402.** In case the award relates to property to be entered upon, taken or used as mentioned in section 391, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within three months after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. R. S. O. c. 184, s. 402; 53 V. c. 50, s. 12. Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

**403.**—(1) An award not binding upon the council until adoption, as mentioned in the last preceding section, shall, if adopted, be subject to the jurisdiction of the Court, and to review on the merits, at the instance of the person whose property is affected Award to be binding in certain cases, must be adopted by law within a certain time.

or taken, in the same manner as is provided by the next following section of this Act, in respect of any award not requiring adoption, and the provisions of sections 401 and 404 shall hereafter extend to every such award.

Power of courts to review awards adopted by councils, etc.

(2) The award may be moved against within one month (excluding vacations) next after the adoption thereof. R. S. O. c. 184, s. 403.

Award to be made by at least two arbitrators, and subject to jurisdiction of High Court. Powers of the Courts in such matters.

**404.** Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the High Court, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by section 401, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence, to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, as prescribed in *The Act respecting Arbitrations and References*, and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. R. S. O. c. 184, s. 404.

Rev. Stat. c. 53.

## TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

*To be under seal and bear signature of head.* Sec. 405.

*Railway and Bonus Debentures.* Sec. 406.

*Defects in form.* Secs. 407, 408.

*Local Improvement Debentures.* Sec. 409.

*Transfer of Registered Debentures.* Secs. 410-412.

*Councils borrowing for current Expenses.* Sec. 413.

*No issue under \$100.* Sec. 414.

Debentures, bonds, etc., how to be executed.

**405.** All debentures and other instruments duly authorized to be executed on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures. R. S. O. c. 184, s. 405.

**406.** Debentures issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. R. S. O. c. 184, s. 406.

In certain cases, debentures valid without corporate seal, etc.

**407.** Debentures issued under the authority of any by-law promulgated under this Act, or any former Municipal Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof; Provided that the by-law has received the assent of the electors where necessary, and no successful application has been made to quash the same within the time limited in the notice of promulgation. R. S. O. c. 184, s. 407.

Debentures valid notwithstanding defect in form.

Proviso.

**408.** Where debentures were issued prior to the first day of February, 1883, by any municipality under a by-law passed by such municipality, and the interest on such debentures, and the principal of such thereof (if any) as shall have fallen due, has been paid for the period of two years or more, by the municipality, the by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding upon the corporation, and shall not be quashed or set aside on any ground whatever. R. S. O. c. 184, s. 408. See sec. 352.

Debentures issued before Feb. 1, 1883, on which payment has been made for two years, to be valid.

**409.** Every debenture issued under section 612 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued:

Form of local improvement debentures.

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), councils may, from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, further pass a collective or cumulative by-law consolidating such several amounts, and issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance;

Consolidation.

And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same,

shall insert a clause in such individual by-laws, intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date; and provided further that no consolidated debentures shall be issued, covering any debentures which may have been issued or sold under any original by-law. R. S. O. c. 184, s. 409.

Mode of transfer may be prescribed.

**410.** Debentures to be issued by any municipal council may contain a provision in the following words:

"This debenture, or any interest therein, shall not, *after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (or Village) of* *", or to the like effect.*

R. S. O. c. 184, s. 410.

Debenture registry book.

**411.** The treasurer of every municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a debenture registry book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the treasurer and duly filed. R. S. O. c. 184, s. 411.

Registered debentures transferred by entry, ect.

**412.** After the certificate of ownership has been endorsed as aforesaid, the debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such debenture registry book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. R. S. O. c. 184, s. 412.

Council may authorize the borrowing of sums to pay current expenses.

**413.** The council of every municipality may authorize its head, with the treasurer thereof, under the seal of the corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council shall, by by-law, regulate the amounts to be so borrowed, and the promissory note or notes, covenant, or agreement to be given in security therefor. R. S. O. c. 184, s. 413.

Without special authority, no bond, etc., to be given for less than \$100. Proviso.

**414.** No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than \$100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void. R. S. O. c. 184, s. 414.

# TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

- DIV. I.—JUSTICES OF THE PEACE.
- DIV. II.—PENALTIES.
- DIV. III.—WITNESSES AND JURORS.
- DIV. IV.—CONVICTIONS UNDER BY-LAWS.
- DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.
- DIV. VI.—TENDER OF AMENDS.
- DIV. VII.—CONTRACTS WITH MEMBERS OF COUNCIL VOID.
- DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.
- DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.
- DIV. X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.
- DIV. XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS.
- DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*

## DIVISION I.—JUSTICES OF THE PEACE.

- Justices of the Peace, Who are ex officio.* Sec. 415.
- Jurisdiction of Mayors of Cities and Towns.* Sec. 416.
- Qualification and Oath of ex officio Justices.* Sec. 417.
- Jurisdiction of Justices in cases under By-laws.* Secs. 418, 419.

**415.** The head of every council, and the reeve of every town, township, and incorporated village, shall, *ex officio*, be Justices of the Peace for the whole county, or union of counties, in which their respective municipalities lie, and aldermen in cities shall be Justices of the Peace for such cities. R. S. O. c. 184, s. 415.

Certain persons to be *ex officio* justices of the peace.

**416.** The mayor of a town or city where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein or to make the necessary declarations of qualification and office. R. S. O. c. 184, s. 416.

Jurisdiction of mayors over certain offences.

**417.** No warden, mayor, reeve or alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. R. S. O. c. 184, s. 417.

Qualification of certain officials.

Jurisdiction of justices under by-laws.

**418.** Every Justice of the Peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in the county, where there is no Police Magistrate. R. S. O. c. 184, s. 418.

Jurisdiction in cases not specially provided for.

**419.** In case any offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the council or not, may try and determine any prosecution for the offence. R. S. O. c. 184, s. 419.

Magistrate not disqualified where penalty payable to municipality.

**419a.** A magistrate is not disqualified to act as a magistrate where in case of a conviction the fine or penalty or part thereof goes to a municipality in which the magistrate is a ratepayer.

## DIVISION II.—PENALTIES.

*Recovery and enforcement thereof. Secs. 420-422.*

*On offences against By-Laws. Sec. 421.*

*Application of Penalties. Sec. 423.*

Recovery and enforcement of penalties.

**420.** Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) thirty days, and with or without hard labour, unless such fine and penalty, and costs, including the costs of the commitment, are sooner paid. R. S. O. c. 184, s. 420.

Imprisonment in default of payment.

Penalties imposed by by-laws.

**421.** The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. R. S. O. c. 184, s. 421.

Award of penalty and costs.

**422.** In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the common gaol, house of correction, or nearest lock-up house, for the term, or some part thereof, specified in the by-law. R. S. O. c. 184, s. 422.

Commitment  
in default of  
distress.

**423.** Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. R. S. O. c. 184, s. 423.

Application of  
fines.

**423a.**—(1). All by-laws authorized under the provisions of this Act, which have been, or which may hereafter be enacted and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which in default of payment authorize the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality, unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such conviction, amongst other things, directs the imprisonment of the accused during the period for which by law he might be imprisoned, unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house are sooner paid, and such conviction shall not by reason only that such direction, includes the costs of such conveyance and committal be impeached, quashed or set aside, and it is hereby declared that section 420 of this Act did and does apply to such by-laws heretofore passed and shall apply to any such by-laws hereafter to be passed. But this section shall not affect the costs of any application heretofore made to quash a conviction under any by-law heretofore passed.

Convictions  
not to be void  
for certain  
informalities.

(2) The words "including the costs of committal" where they appear in the said section 420 include and mean and have always meant the cost of conveyance and committal to prison. 53 V. c. 50, s. 13.

[As to summary method of enforcing by-laws, See sec. 482.]

### DIVISION III.—WITNESSES AND JURORS.

*Who may be witnesses. Secs. 424, 425.*

*Ratepayers, members, officers, etc., of Corporations liable to challenge as jurors. Sec. 425.*

*Compelling attendance of witnesses. Sec. 426.*

**424.** Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making

Who may be  
witnesses.

the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on the hearing. R. S. O. c. 184, s. 424.

Ratepayers, members, officers, etc., of corporation competent witnesses may be challenged as jurors.

**425.** In any prosecution, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to the prosecution, action or proceeding, is a county. R. S. O. c. 184, s. 425.

Compelling witnesses to attend, etc.

**426.** In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. R. S. O. c. 184, s. 426.

#### DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

##### *Form of Conviction. Sec. 427.*

Form of conviction under by-laws.

**427.** It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following:

PROVINCE OF ONTARIO, County of _____, To WIT. _____	}	that on the _____ day of _____ A.D. _____, at _____, in the County of _____, A. B. is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said A. B. (stating the offence, and time and place, and when and where committed), contrary to a certain by-law of the Municipality of the _____ of _____, in the said County of _____, passed on the _____ day of _____, A.D. _____, and intituled (reciting the title of by-law); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of _____, to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of _____, for his costs in this behalf. And if the said several sums are not paid forthwith (or on or before the _____ day of _____ as the case may be), I order that the same be levied by distress and sale of the goods and chattels of the	<b>BE IT REMEMBERED</b> day of _____ A.D. _____
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said *A. B.*; and in default of sufficient distress, I adjudge the said *A. B.* to be imprisoned in the Common Gaol of the said County of (or, in the public Lock-up at ) for the space of days, unless the said several sums, and all costs and charges of conveying the said *A. B.* to such Gaol (or Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at , in the said County.

(L.S.)

*J. M.,*

*J. P.*

R. S. O. c. 184, s. 427.

## DIVISION V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

*Proceedings on Writs of Execution. Sec. 428.*

*Municipal Officers, also Officers of Court. Sec. 429.*

**428.** Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following:

Proceedings on writs of execution against municipalities.

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy the execution, including in such amount the interest calculated to some day, as near as is convenient to the day of the service;

Sheriff to deliver copy of writ and statement of claim to treasurer.

2. In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees, and the collector's percentage, up to the time when the rate will probably be available;

If claim not paid, rate to be struck by Sheriff.

3. The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by the precept, after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates;

Sheriff's precept to collector, etc., to levy rate.

Rate rolls.

4. In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage ;

Surplus,

5. The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation. R.S.O. c. 184, s. 428.

Clerk, assessors and collectors to be officers of the court from which writ issues.

429. The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. R.S.O. c. 184, s. 429.

#### DIVISION VI.—TENDER OF AMENDS.

##### *Tender and payment into Court in actions for negligence.* Sec. 430.

Tender of compensation in actions for negligence.

430. The council of any municipality, upon any claim being made or action brought for damages for alleged negligence on the part of the municipality, may tender, or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender or the amount paid into court, and the action being proceeded with, and a verdict being obtained for no greater amount than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall have been obtained against them. R.S.O. c. 184, s. 430. *See sec. 339.*

DIVISION VII.—CONTRACTS WITH MEMBERS OF COUNCIL  
VOID.

*Contracts with Members of Council. Sec. 431.*

**431.** In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, the contract, purchase or sale shall be held void in any action thereon against the corporation. R.S.O. c. 184, s. 431.

Contracts by members with the corporation to be held void in any action.

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

(See R. S. O. Cap. 72.)

*In cities and towns. Sec. 432.*  
*Clerk of. Sec. 433.*

**432.** The council of every town and city shall establish therein a police office ; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the mayor of the town or city, shall attend at such police office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace ; but any Justice of the Peace having jurisdiction in a town or city may, at the request of the mayor thereof, act in his stead at the police office. R.S.O. c. 184, s. 432.

Police offices in cities and towns.

**433.** The clerk of the council of every city or town, or such other person as the council of the city or town appoints for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as clerks of Justices of the Peace; and in case the said clerk is paid by a fixed salary, the emoluments shall be paid by him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the Police Magistrate. R.S.O. c. 184, s. 433.

Clerk of police office, and his duties.

If paid by salary, fees to be paid over to municipality.

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE AND.  
POLICE FORCE IN CITIES AND TOWNS.

*Board, members of.* Sec. 434.

*Powers of Commissioners as to witnesses.* Sec. 435 (1, 2).

*Quorum.* Sec. 435 (3).

*Meetings of Board in Cities to be public.* Sec. 435 (4).

*Licensing, etc, livery stables, cabs, etc.* Sec. 436.

*By-laws of, how authenticated and proved.* Sec. 437.

*Penalties, how recoverable.* Sec. 438.

*High Bailiffs.* Sec. 439.

*Police Force, appointment of.* Secs. 440, 441.

*Police Regulations.* Sec. 442.

*Duties of Constables.* Sec. 443.

*Remuneration and Expenses of Police Force.* Sec. 444.

*Constables in Towns where no Police Commissioners.* Sec. 445.

*Constables in Incorporated Villages.* Sec. 445.

*Dissolution of Boards in Towns.* Sec. 446.

*Constables in Counties and Townships.* Sec. 447.

*Right of Salaried Constables to Fees.* Sec. 448.

*Arrests without warrant.* Sec. 449.

*Suspension from office.* Secs. 450, 451.

Board of com-  
missioners of  
police in cities  
and towns, of  
whom com-  
posed.

**434.**—(1) In every city there is hereby constituted a board of commissioners of police, and in every town having a Police Magistrate the council may constitute a like board, and such board shall consist of the mayor, the Judge of the County Court of the county in which the city or town is situate, and the Police Magistrate; and in case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. R.S.O. c. 184, s. 434.

(2) The council of any city with a population of 100,000 or over, may by by-law provide for the payment of the Police Commissioners or any of them. 53 V. c. 50, s. 14.

Board may  
examine  
witnesses on  
oath.

**435.**—(1) The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the board shall be sufficient, if signed by the chairman of the board, or any one of the commissioners.

(2) No party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution. Privileges of witnesses.

(3) A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board. Quorum.

(4) All meetings of the board of police commissioners in cities shall be open to the press and the public, unless otherwise decided by the board. Meetings in cities to be open to public R.S.O. c. 184, s. 435.

**436.**—(1) The board of commissioners of police shall, in cities license and regulate second-hand stores and junk stores and shall also, in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles regularly used for hire within the said city whether such owners are resident or non-resident therein, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced. Licensing livery stables, cabs, etc., in cities. R.S.O. c. 184, s. 436 (1).

(2) The board of commissioners of police and the council of any city in which there is no board of commissioners of police may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable, boarding or other stables shall hereafter be established in which horses are to be kept for hire or express purposes. Livery stables. 52 V. c. 36, s. 16.

(3) The board of commissioners of police shall also regulate and control children engaged as : Comfort of children.

- (a) Express or despatch messengers ;
- (b) Vendors of newspapers and small wares ;
- (c) Bootblacks. 51 V. c. 28, s. 17.

(4) The council of a city in which there is no board of commissioners of police, shall have and may exercise by by-law, all the powers conferred upon the board of commissioners by this section. R.S.O. c. 184, s. 436 (2).

(5) The board of commissioners of police in any city, and the council of any town, may regulate or prohibit the playing of bands and of musical instruments on any street, highway, park or public place in the city, but this shall not apply to any military band attached to any regular corps of the militia of Canada when on duty under the command of its regular officers. Vagrant bands. 54 V. c. 42, s. 13.

**437.** All by-laws of the board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board which passes the same ; and a copy of How by-laws of board authenticated a proved.

such by-law, written or printed, and certified to be a true copy by any member of the board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to such original by-law has been forged. R.S.O. c. 184, s. 437.

May be enforced by penalties, etc.

How recovered.

**438.** In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws, to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the city for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinbefore set forth. R.S.O. c. 184, s. 438.

High bailiffs.

**439.** The council of every city shall appoint a high bailiff, but may provide, by by-law, that the offices of high bailiff and chief constable shall be held by the same person. R.S.O. c. 184, s. 439.

Police force in cities and towns.

**440.** The police force in cities and towns having a board of commissioners of police, shall consist of a chief constable, and as many constables and other officers and assistants as the council from time to time deem necessary, but, in cities, not less in number than the board reports to be absolutely required; but this section shall not affect or apply to a city in which, by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. R.S.O. c. 184, s. 440.

Appointment of members of police force.

**441.** The members of the police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe the following oath :

Oath of office.

I, *A. B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the  
of \_\_\_\_\_ without favour or affection, malice or ill-will ;  
and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and propertise of Her Majesty's subjects ; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

R.S.O. c. 184, s. 441.

Board to make regulations.

**442.** The board shall, from time to time, make such regulations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. R.S.O. c. 184, s. 442.

**443.** The constables shall obey all lawful directions, and be subject to the government of the board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanours, and apprehending offenders ; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities, which belong, by law, to constables duly appointed. R.S.O. c. 184, s. 443.

Constables to be subject to the Board.  
Duties of constables

**444.** The council shall appropriate and pay such remuneration for and to the respective members of the force, as may be required by the board of commissioners of police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the board may from time to time deem requisite and require for the payment, accommodation and use of the force ; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof provision is made for the appointment, control and management of the police by the council. R.S.O. c. 184, s. 444.

Remuneration and contingent expenses.

**445.** The council of every town not having a board of commissioners of police shall, and the council of every incorporated village may appoint one chief constable, and one or more constables for the municipality ; and the persons so appointed shall hold office during the pleasure of the council. R.S.O. c. 184, s. 445.

Constables in towns and villages.

**446.** Where, in a town, there was, on the 24th day of March, 1874, a board of commissioners of police, constituted under the Acts then in force respecting Municipal Institutions in this Province, the council of the said town may, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by the board ; and unless and until so dissolved and put an end to, the board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by the board. R.S.O. c. 184, s. 446.

Dissolution of boards of police commissioners in towns.

**447.** The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council ; every such constable, and any city, town or village constable shall have the same powers and privileges, and be subject to the same liability and to the performance of the same duties, and shall be subject also to suspension by the Judge of the County Court in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions. R.S.O. c. 184, s. 447.

County and township constables.

Their powers.

**448.** Where any salaried constable is appointed for any municipality, whether by the municipal council or by police

Rights of salaried constables fees.

commissioners, the council may agree that such constable shall keep, for his own use, his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality. R.S.O. c. 184, s. 448.

Arrests by constables for alleged breaches of the peace not committed in their presence.

**449.** In case any person complains to a chief of police, or to a constable in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then, if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the mayor or sitting Justice, such officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Magistrate, mayor or Justice, to be dealt with according to law. R. S. O. c. 184, s. 449.

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

**450.** Until the organization of a board of police, every mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the chief constable, or any constable of the town or city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the city council shall have the like powers as to the high bailiff of the city. R. S. O. c. 184, s. 450.

Incapacity of such officer to act.  
Salary to cease.

**451.** During the suspension of such officer he shall not be capable of acting in his office, except by the written permission of the mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. R. S. O. c. 184, s. 451.

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#### DIVISION X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

*Erection and care of.* Secs. 452-469, 472-475.

*Furniture.* Sec. 470.

*Insurable interest of Corporations.* Sec. 471.

*Expense of prisoners.* Sec. 476.

County council may pass by-laws as to county buildings;

**452.** Every county council may pass by-laws for erecting, improving and repairing a court house, gaol, house of correction, and house of industry, upon land being the property of

the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. R. S. O. c. 184, s. 452.

**453.** Every county council may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such court house. R. S. O. c. 184, s. 453.

And for acquiring land for court-houses in cities.

**454.** The gaol, court house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court house, and house of correction of the town or city, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the town or city. R. S. O. c. 184, s. 454.

Gaols and court-houses in counties and cities, etc., not separated.

**455.** The council of any city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry, upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. R. S. O. c. 184, s. 455.

City councils may erect, etc., certain public buildings.

**456.** The council of every county may establish and maintain a lock-up house, or lock-up houses, within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up house, and may direct the payment of the salary out of the funds of the county. R. S. O. c. 184, s. 456.

Lock-up houses may be established by county councils.

**457.** Every lock-up house shall be placed in the charge of a constable specially appointed for that purpose by the magistrates of the county at a General Sessions of the Peace therefor. R. S. O. c. 184, s. 457.

A constable to be placed in charge.

**458.** The council of every city, town, township, and incorporated village may, by by-law, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses. R. S. O. c. 184, s. 458.

Lock-up houses.

**459.** Two or more municipalities may unite to establish and maintain a lock-up house. R. S. O. c. 184, s. 459.

Joint lock-up houses.

Land may be acquired for industrial farms, house of industry, refuge, etc.

**460.**—(1) The council of every county, city or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a house of industry and a house of refuge, and provide, by by-law, for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

Proviso as to united or contiguous counties.

(2) Two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided.

Power to compel persons sent to industrial farms, etc., to work thereon.

(3) The council may provide, by by-law, for requiring such persons as may be sent to such industrial farm or other place, to work on the said farm, or at any work or service for the said municipality, at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife and child or wife or children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. R.S.O. c. 184, s. 460.

Industrial farms and houses of refuge for two or more municipalities.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county now have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding subsection mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them. 51 V. c. 28, s. 18.

Maintenance of patients sent by local municipalities to House of Refuge.

(6) The council may provide by by-law that each local municipality within the county shall be required to pay for the maintenance and support of each person sent by or from such local municipality to the House of Refuge, and received therein, a sum not exceeding at the rate of one dollar and fifty cents per week. 52 V. c. 36, s. 17.

**461.** The inspector of a house of industry or refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry or refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council; and a copy thereof shall be presented to the Legislature. R.S.O. c. 184, s. 461.

Inspectors to keep and render accounts of expenses, etc.

**462.** The council of every city and town may respectively pass by-laws:

By-laws may be passed establishing workhouses and houses of correction.

1. For erecting and establishing within the city or town or on such industrial farm, or on any ground held by the corporation for public exhibitions, a workhouse or house of correction, and for regulating the government thereof.

2. For committing and sending, with or without hard labour, to the workhouse or house of correction, or to the industrial farm, house of industry, house of refuge, or house for the poor, aged, and infirm, or lock-up, or to any work or service for the municipality as aforesaid, by the mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction in the municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the 36th year of Her Majesty's reign, and as may by the council be deemed, and by by-law be declared, expedient; and such farm, house of correction, house of industry, house of refuge, or house for the poor, aged, or infirm, lock-up house, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the municipality and the jurisdiction thereof. R.S.O. c. 184, s. 462.

Who liable to be committed thereto.

36 V. c. 48, s. 369.

Institutions  
for reclama-  
tion of  
habitual  
drunkards.

3. For erecting and establishing within a city having a population of 50,000 and upwards an institution for the reclamation and cure of habitual drunkards.

4. For committing or sending with or without hard labour to the institution for the reclamation and cure of habitual drunkards by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient.

5. In the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887, shall be applicable thereto as if such institution had been named in said Act. 51 V. c. 28, s. 19.

Until houses  
of correction  
erected, the  
common gaols  
are constituted  
houses of  
correction.

**463.** Until separate houses of correction are erected in the several counties in Ontario, the common gaol in each county respectively shall be a house of correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed

to a house of correction, shall, unless otherwise provided by law be committed to the said common gaols, respectively. R.S.O. c. 184, s. 463.

Custody of  
gaols.

Keepers.

**464.**—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

Appointment  
and dismissal  
of gaolers.

(2) Every appointment, or dismissal, of a gaoler shall be subject to the approval of the Lieutenant-Governor. R.S.O. c. 184, s. 464.

Gaoler to have  
a yearly salary  
in place of all  
fees, perqui-  
sites or im-  
positions what-  
ever.

**465.** The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. R.S.O. c. 184, s. 465.

County coun-  
cil to have care  
of court-house,  
etc.

**466.** The county council shall have the care of the court house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Courts of Justice.

other than the Division Courts; and for the library of the law association of the county (such last mentioned accommodation to be provided in the court house), and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such Courts other than (1) officers of the Maritime Court of Ontario (not being in the county of York) and (2) official assignees. R.S.O. c. 184, s. 466.

**467.** In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. R.S.O. c. 184, s. 467.

City gaols to be regulated by by-laws of city council.

**468.** In case of a separation of a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to court houses or gaols, in force at the time of the separation, shall extend to the court house and gaol of the junior county. R.S.O. c. 184, s. 468.

Upon separation of union of counties, gaol and court-house regulations to continue.

**469—**(1) Cities and towns separated from counties shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred in erecting, building and repairing and maintaining the court house and gaol of their respective counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the gaol and Courts of justice, other than the Division Courts, and for the library of the law association of the county and of providing proper offices, together with fuel, light, and furniture for officers connected with such Courts, where the same are required to be provided by the county council; and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements, and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the Province; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes cannot, by agreement from time to time, settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. R.S.O. c. 184, s. 469.

Liability of cities and towns separated from counties for erection and maintenance of court-house, etc.

(2) It shall be lawful for the council of any county and the council of any city or town situate in such county, but separated therefrom for municipal purposes, to enter into any agreement.

Reference to arbitration in case of disagreement.

(a) For the purchase or acquisition of land within the county town for the purpose of erecting thereon buildings for the use of such county and city or town, for municipal and judicial purposes;

Purchase of lands and erection of buildings for municipal and judicial purposes.

(b) And for the erection, maintenance, use, management and control of such buildings ;

(c) And for fixing or ascertaining the amount which each municipality shall pay or contribute for the purposes aforesaid ;

(d) And for the subsequent disposition of such land and buildings, and of any insurance or other moneys that may be received in respect thereof ;

And to acquire such land as may be necessary for the erection thereon of such buildings ;

And to pass all such by-laws as may from time to time be necessary for the purchasing of such land, and the carrying out of any such agreement. 52 V. c. 36, s. 18.

Liability for furniture for use of county officials.

**470.** The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 466 and 469 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. R.S.O. c. 184, s. 470.

Insurable interests of corporations in certain cases.

**471.** The corporation of any county and city or town separated from the county, are hereby declared to have, respectively, insurable interests in the court house and gaol of the county and the furniture thereof, in the proportions in which they shall, for the time being, be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said gaol and Courts of justice, and for the officers connected with such Courts, and any such corporation may insure its said interest accordingly. R.S.O. c. 184, s. 471.

Liability of city to contribute to cost of erecting court-houses and goals.

**472.** In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the 5th day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the council of the city, or, in case of dispute, has been determined by arbitration, according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol ; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. R.S.O. c. 184, s. 472.

Compensation by city or town for use of court-house, etc.

**473.—(1)** While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act.

(2) In case of arbitration under the preceding provisions of this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities, and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this sub-section shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the first day of January, 1886. R.S.O. c. 184, s. 473.

Matters to be considered in determining compensation.

474. In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. R.S.O. c. 184, s. 474.

When the amount of compensation may be reconsidered.

474a—(1) In case a county town has not a lock-up approved by the Inspector of Prisons, and the county gaol is used for the purposes of a lock-up, the municipal corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable amount for the use of the gaol as a lock up, and for the expenses incurred thereby and in connection therewith, and in the event of any dispute arising as to the amount which should be paid to the county as aforesaid, the same shall be settled by arbitration as provided for under this Act.

Payment to be made to county when gaol used as a lock-up.

(2) This section shall not apply to cities or towns separated from counties for which provision is made by section 473 of this Act. 52 V. c. 36, s. 44.

475. Nothing herein contained shall affect any lock-up house heretofore lawfully established, but the same shall continue to be a lock-up house as if established under this Act R.S.O. c. 184, s. 475.

Existing lock-up houses to continue.

476. The expense of conveying any prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. R.S.O. c. 184, s. 476.

Expense of conveying and maintaining prisoners.

DIVISION XI.—INVESTIGATION OF CHARGES OF MISCONDUCT  
IN RELATION TO MUNICIPAL MATTERS.

*Investigation by County Judge. Sec. 477.*

Investigation  
by county  
judge of  
charges of  
malfeasance  
by municipal  
officers.

477.—(1) In case the council of any municipality at any time passes a resolution requesting the Judge of the County Court of the county in which the municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer, or other person, to the municipality, or in case the council of any municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*, and the Judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon.

Judge to have  
powers men-  
tioned in  
Rev. Stat.  
c. 17.

Fees payable  
to county  
judge.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees as he would be entitled to receive if the matter had been referred to him as a referee under the provisions of *The Judicature Act*: R.S.O. c. 184, s. 477.

Rev. Stat.  
c. 44.

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

*Mayor may call out posse comitatus. Sec. 478.*

Mayor may  
call out *posse  
comitatus*.

478. The mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. R.S.O. c. 184, s. 478.

## PART VII.

### POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.

TITLE II.—AS TO HIGHWAYS AND BRIDGES.

TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE

TITLE IV.—AS TO RAILWAYS.

#### TITLE I.—POWERS IN GENERAL.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. II.—OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. III.—OF TOWNSHIPS, CITIES AND TOWNS.

DIV. IV.—OF COUNTIES AND CITIES.

DIV. V.—OF COUNTIES, CITIES, AND SEPARATED TOWNS

DIV. VI.—OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. VII.—OF CITIES AND TOWNS.

DIV. VIII.—OF TOWNSHIPS, TOWNS AND VILLAGES.

DIV. IX.—OF TOWNS AND INCORPORATED VILLAGES.

DIV. IX*a*.—OF TOWNS ONLY.

DIV. X.—OF COUNTIES ONLY.

DIV. X*a*.—OF CITIES ONLY.

DIV. XI.—OF TOWNSHIPS ONLY.

#### DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS CITIES, TOWNS, AND INCORPORATED VILLAGES.

*Respecting the obtaining of property. Sec. 479 (1).*

“ *Appointment of certain officers. Sec. 479 (2, 3).*

“ *Harbours, Docks, etc. Sec. 479 (4-8).*

“ *Aid to Agricultural, etc., Societies. Sec. 479 (9).*

“ “ *Rifle Associations—Militia. Sec. 479 (9*a*.)*

“ “ *Bands of Music. Sec. 479 (9*b*).*

“ “ *Road Companies, etc. Sec. 479 (11).*

“ “ *Indigent persons and charities. Sec. 479 (12)*

“ *Census. Sec. 479 (13).*

“ *Driving and Riding. Sec. 479 (14).*

“ *Drainage. Sec. 479 (15).*

“ *Egress from and Construction of Buildings. Sec. 479, 16, (16*a*).*

“ *Fines and Penalties. Sec. 479 (17-19).*

“ *Ornamental Trees. Sec. 479 (20).*

*Respecting Seizure of Bread of short weight. Sec. 479 (21).*  
 “ *Acquisition of land for Parks, etc. Sec. 479 (22,23).*  
 “ *Intelligence Offices. Sec. 479 (24, 28).*  
 “ *Bathing Houses. Sec. 479 (29).*  
 “ *Acquisition of Water Rights. Sec. 479a.*  
 “ *Contracts for supply of Gas and Water. Sec. 480.*  
 “ *Discovery of Crimes. Sec. 481.*  
*Summary Remedy if By-laws not obeyed. Sec. 482.*  
*Compensation for lands taken. Secs. 484-488.*  
*Powers in relation to Roads and Bridges. See sec. 550 et seq.*

**479.** The council of every county, township, city, town  
 Councils may make by-laws, and incorporated village may pass by-laws:

### *Obtaining Property.*

For obtaining property, real and personal, etc.  
 1. For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required;

### *Appointing certain Officers.*

May appoint certain officers.  
 2. For appointing such—  
     Pound-keepers,                      Road Surveyors,  
     Fence-viewers,                    Road Commissioners,  
     Overseers of Highways,        Valuators,  
    Game Inspectors,

and other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the corporation, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for the municipality to pay such member of the corporation acting as such commissioner, superintendent or overseer. *See R.S.O. Cap. 210, s. 5.*

May fix fees and securities  
 3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; *See sec. 278.*

### *Harbours, Docks, etc.*

Cleanliness of wharves, docks, etc.  
 4. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water;

5. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found ;

Removal of door steps, etc., obstructing wharves, etc.

6. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof ;

Making, tc., of wharves, docks, etc.

7. For regulating harbours ; for preventing the filling up or encumbering thereof ; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels ; for regulating the vessels, crafts and rafts arriving in any harbour ; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master ;

Regulating harbours, beacons, wharves, elevators, etc.

Vessels, etc.  
Harbour dues.

8. For granting aid by way of bonus, for or towards the construction of harbours, wharves, docks, slips, and necessary beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of a county whether such bonus be given by such county or by a city, town, township, or incorporated village situate therein and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the municipality may deem expedient ;

Granting aid by way of bonus to harbours, etc.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts ;

Assent of electors necessary.

(b) Any municipality granting such aid may take and receive of and from such person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given.

Security may be taken.

### *Aiding Agricultural and other Societies.*

9. For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute or free library, established under *The Free Libraries Act*, within the municipality, or within any adjoining municipality. R.S.O. c. 184, s. 479 (1-9) See also R.S.O. Cap. 39, s. 81 (1).

Granting aid to agricultural societies.

Rev. Stat. c. 189.

*Rifle Associations—Militia.*

Aid to rifle  
associations  
and militia.

9a. For the purpose of aiding any regularly organized rifle association ; or for adding to the sum paid during the period of annual or other authorized drill, or when on active service, to any enlisted member or members of any corps of Active Militia organized within such municipality ; or for the purpose of military outfit or equipment of the members of such corps. 52 V. c. 36, s. 19, *part*.

*Bands of Music.*

Bands of  
Music.

9b. For aiding in the establishment or maintenance of a band of music. 52 V. c. 36, s. 19, *part*.

[*Sub-section 10 repealed by Municipal Amendment Act, 1892.*]

*Aiding Road Companies, etc.*

Aid for roads  
bridges and  
harbours.

11. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company ;

Assent of  
electors neces-  
sary.

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

*Aiding Indigent Persons and Charities.*

Aiding indi-  
gent persons  
and charities.

12. For aiding in maintaining any indigent person belonging to or found in the municipality, at any work-house, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character ; or for granting aid to any charitable institution or out-of-door relief to the resident poor ; *See sec. 504 (11).*

*Census.*

Local census.

13. For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality ;

*Driving or Riding on Roads and Bridges.*

To regulate  
driving on  
roads and  
bridges.

14. For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon. R.S.O. c. 184, s. 479 (11-14).

*Drainage.*

15. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in or adjacent to the municipality in any way necessary or convenient for the said purposes, and for entering upon, taking or using any land not adjacent to the municipality for the purpose of providing an outlet for any sewer, but subject always to the restrictions in this Act contained. R.S.O. c. 184, s. 479 (15); 51 V. c. 28, s. 20.

Opening or stopping up drains and water-courses, etc.

*Egress from and Construction of Buildings.*

16. For regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto; and the construction and width of stairways in churches, theatres, halls, or other places used for public worship, public meetings or places of amusement, and in factories, warehouses, hotels, boarding and lodging houses; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings; and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. R.S.O. c. 184, s. 479 (16); 54 V. c. 42, s. 14.

Doors, etc., of public buildings.

16a. For regulating the size and strength of walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection, and for enforcing observance of such regulations. 51 V. c. 28, s. 21.

Size and strength of walls, etc., and production of plans.

*Fines and Penalties.*

(See also secs. 420-423.)

17. For inflicting reasonable fines and penalties not exceeding \$50 exclusive of costs,—

Fines and penalties.

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and

For neglect of duty, or refusal to accept office.

(b) For breach of any of the by-laws of the corporation.

Or breach of  
by-laws.  
Collecting  
penalties and  
costs.

Imprisonment  
when allowed  
and time of.

18. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender ;

19. For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a lock-up house in some town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied : except for breach of any by-law in cities, and of any by-law for the suppression of houses of ill-fame in any municipality, in which cases the imprisonment may be for any period not exceeding six months, with or without hard labour in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid ; R.S.O. c. 184, s. 479 (17-19).

### *Ornamental Trees.*

Trees on  
streets.

20. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement ; but any owner of adjoining property shall be entitled to ten days' notice of the intention of the council to remove such tree, shrub or sapling, and shall be entitled to be recompensed for his trouble in planting and protecting the same. No owner of adjoining property nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley or other communication ; and any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 54 V. c. 42. s. 15.

Regulations as  
to trees on  
boundaries be-  
tween private  
properties.

20a. For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may without the consent of the owner or occupant of the adjoining land be planted. 53 V. c. 50, s. 16.

*Seizing Bread, etc.*

21. For seizing and forfeiting bread or other articles when of light weight or short measurement. *See also* secs. 489 (52); 503 (9). Light weight and short measure.

*Acquiring land for Parks, etc.*

22. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree. Acquiring land for parks, etc.

23. In every case in which any municipality shall expropriate lands in an adjoining municipality, the municipality so expropriating such lands shall put the same in an efficient state to be used as, and open the same to the general public, for the purposes of such public parks, squares, boulevards and drives within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using the same and the residents whose lands adjoin the lands so expropriated. R.S.O. c. 184, s. 479 (21-23). Provisions where land expropriated is in an adjoining municipality.

*Intelligence Offices.*

24. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for domestic servants and other labourers and any other class of servant, workmen, clerk or person seeking employment, and for fixing the fees to be charged and recovered by the keepers of such offices; Licensing intelligence offices.

25. For the regulation of such intelligence offices; Regulation of.

26. For limiting the duration of or revoking any such license; Duration of license.

27. For prohibiting the opening or keeping of any such intelligence office within the municipality without license; Prohibition without license.

28. For fixing the fee to be paid for such license, not exceeding \$10 for one year. R.S.O. c. 184, s. 504 (1-5). Fees.

*Bathing Houses.*

Public bathing houses.

29. For granting money to aid and assist in the construction of public bathing houses within the municipality, to borrow money for such purposes, and to issue debentures to secure the re-payment thereof. 54 V. c. 42, s. 22.

## ACQUIRING WATER RIGHTS.

Power to acquire water rights.  
Rev. Stat. c. 192.

**479a.**—In addition to the powers given by *The Municipal Water Works Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase, demise or gift the right or title to any stream, river, creek, waters, water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, wiers or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality. 51 V. c. 28, s. 38.

## GAS AND WATER.

Council may contract with company for supply of water.

**480.**—(1) Every municipal council shall have power to contract for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable and for the renting of such hydrants for any number of years not, in the first instance, exceeding ten, and for renewing such contract from time to time for such period, not exceeding ten years, as the council may desire, and every council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. Every municipal council shall in like manner have power to contract for a supply of gas or electric light for street lighting and other public uses for any number of years not in the first instance exceeding ten, and for renewing such contract from time to time for such period not exceeding ten years, as the council may desire. R.S.O. c. 184, s. 480 (1); 52 V. c. 36, s. 20.

Contracts for the supply of gas or electric light.

Powers in respect of lighting and construction of gas works.

(2) Subject to the provisions of this Act, or any special Act so far as the same may be applicable, the powers of a municipal corporation for lighting the municipality, or for constructing gas works, whether by this or by any special Act, shall include the powers conferred on gas companies by sections 54

and 55 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water.* Rev. Stat. c. 164.

(3) Where any municipal corporation has constructed any gas or water works for supplying the municipality with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation, upon the same being requested by the owner, occupant, or other person in charge of such building. Municipal corporation constructing works to supply with gas or water buildings on line of supply, on request.

(4) The corporation before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building. Corporation may require security from consumer.

(5) Nothing in the preceding two sub-sections contained shall be construed in any way to affect the liability of any corporation in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation in respect thereto shall remain as if such two sub-sections had not been enacted. Liability for failure of supply not affected. R.S.O. c. 184, s. 480 (2-5).

#### DISCOVERY OF CRIMES.

**481.** The council of any municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. Rewards for apprehension of criminals. R.S.O. c. 184, s. 481.

#### SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

**482.** Whenever any municipal council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. Mode of compelling performance of matters directed to be done by council, etc. R.S.O. c. 184, s. 482.

#### COMPENSATION FOR LANDS TAKEN OR INJURED.

**483.** Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercises of such Owners of lands taken by corporation, etc., to be compensated.

Differences to be determined by arbitration.

powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act, and such claim shall be made within one year from the date when the alleged damages were sustained or become known to the claimant, or in case of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant, but this limitation shall not apply to real property taken or used by the corporation. R.S.O. c. 184, s. 483. *See* sec. 383 *et. seq.*; 54 V. c. 42, s. 16.

Limitation of claims for compensation.

**484.**—(1) In the case of real property which a council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

How title acquired to land when owned by corporations, tenants in tail, vested in trustees, etc.

If there be no party who can convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the county in which such property is situate may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. R.S.O. c. 184, s. 484.

Application, etc., of purchase money where party has not an absolute estate in the property.

**485.** In case any person acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless the High Court, or other Court having jurisdiction in such cases, in the meantime directs the council to pay the same to any person or into Court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. R.S.O. c. 184, s. 485.

Purchase money subject to charges on property.

**486.** All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. R.S.O. c. 184, s. 486.

Tender of compensation.

**487.**—(1) Notwithstanding any of the provisions contained in this Act, in all cases where claims are made for compensa-

tion for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the corporation of any city, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the county within which the city is situate, (sitting as sole arbitrator), or at the option of either party, by such other sole arbitrator as the said Judge on application made by either party to him, upon notice to the other party, may appoint for the purpose.

When lands taken or injured by city.

Provided that in cities having a population of 100,000 or over the limitation of the above provision to claims not exceeding \$1,000 shall not apply, and all claims of the character aforesaid may, at the option of any party interested therein, be settled and determined by the award of a sole arbitrator to be appointed by any Judge of the Court of Appeal for Ontario, upon the application of any party interested, and upon notice, as herein provided, to the other parties.

Matters that may be referred to a sole arbitrator.

Provided that in such cities in lieu of appointing a sole arbitrator, the Judge may, in cases where the sole question involved is the value of the property taken, or to be taken, appoint one or more valuers or appraisers, who shall determine the amount of compensation to be made to the claimant or claimants upon view of the locality, and according to their own skill and knowledge without hearing evidence. R.S.O. c. 184, s. 487 (1); 52 V. c. 36, s. 21 (1).

Appointment of valuers in the place of a sole arbitrator.

(2) Either party shall be entitled to at least seven days notice exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator or valuator or appraiser as aforesaid. R.S.O. c. 184, s. 487 (2); 52 V. c. 36, s. 21 (2).

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Act respecting Arbitrations and References*. R.S.O. c. 184, s. 487 (3).

Rev. Stat. c. 53.

(4) The fees to be paid to the valuator or appraiser, or valuers or appraisers shall be determined by the Master in Chambers of the Supreme Court of Judicature for Ontario upon the application of any party interested.

Fees of valuers or appraisers.

(5) Subject to the provisions of section 488, the costs of any award made under this section, by an arbitrator or by the valuator or valuers, or appraiser or appraisers appointed as herein provided, shall be upon such scale and shall be borne

Costs of awards.

and paid by such of the parties as the said Master in Chambers may direct by order (to be made on the application of either party).

**Appointment of arbitrators, etc., not to be deemed an admission of the corporation's liability.** (6) The appointment of valuers or appraisers under this section, or under sections 391, 392, 393 and 394 of this Act, shall not be deemed to be an admission of any liability on the part of the corporation; and all defences and objections shall be open to either party as if an action had been brought.

**Contents of award.**

(7) Any arbitrator appointed under this section, or under the sections hereinbefore mentioned, may and shall at the request of either party, in and by his said award, specify separately (1) the amount of compensation or damage to which the claimant would be entitled, if there was no set off on account of any advantage derived by the claimant from the work or improvement in question, and (2) the amount deducted from such compensation or damage on account of such advantage, and also whether any, and if any, how much of the said advantage was direct, special and peculiar to the property of the claimant.

(8) The preceding four sub-sections apply only to cities having a population of 100,000 or over. 52 V. c. 36; s. 22.

**Appointment of arbitrators not to be admission of liability.**

**487a.** The appointment of arbitrators under sections 391, 392, 393, and 394 of this Act shall not be deemed to be an admission of any liability on the part of the corporation; and all defences and objections shall be open to either party as if an action had been brought. *New.*

**Reference of claims for compensation in respect of lands.**

**488.** The council of any municipality in all cases where claims for compensation or damages are made against them which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered, and the arbitration being proceeded with, and if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount which shall have been awarded against them. R.S.O. c. 184, s. 488.

**Compensation to stand in the stead of lands.**

**488. (a)** The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands, and any claim to or encumbrance upon the said lands, or to any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof.

488. (b) If in the opinion of the High Court of Justice or of any Judge thereof, there is reason to fear any claims or encumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent. per annum for six months, and may deliver to such accountant an authentic copy of the conveyance or of the award or agreement, as the case may be, and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned but this shall not apply to any proceedings heretofore had or taken.

Compensation may be paid into court.

488. (c) A notice in such form and for such time as any judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the municipality in which the lands are situated, or if there is no newspaper published in the municipality, then in the *Ontario Gazette*, and also in a newspaper published in the nearest municipality thereto in which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof, and all such claims shall be received and adjudicated upon by the High Court of Justice or by any judge thereof, and the said proceedings shall forever bar all claims to the said lands or to any part thereof, including dower, as well as all mortgages or encumbrances upon the same, and the said court or judge shall make such order for distribution, payment or investment of the said compensation money and for securing the rights of all persons interested, as may be necessary.

Notice to be given.

Proceedings shall bar all claims.

488. (d) The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said court or any judge thereof may order; and if the said order of distribution is obtained in less than three months from the payment into court of the said compensation moneys, the court or any judge thereof may direct any proportionate part of such interest to be returned to the said corporation.

Costs.

488. (e) Such judgment shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or encumbrance upon the same, and the court or judge shall make such order for distribution, payment or investment of the said compensation money, and for the security of the rights of all persons interested therein as may be necessary. 53 V. c. 50, s. 17.

Judgment shall bar all claims.

DIVISION II.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES  
TOWNS, AND INCORPORATED VILLAGES.

- Respecting Polling Subdivisions. Sec. 489 (1).*  
 “ *Disqualification of Electors for non-payment of Taxes. Sec. 489 (2).*  
 “ *Water and Water Works. Sec. 489 (3, 4).*  
 “ *Reduction of Sinking Fund. Sec. 489 (5).*  
 “ *Billiard or Bagatelle Tables. Sec. 489 (6).*  
 “ *Victualling Houses, etc. Sec. 489 (7, 8).*  
 “ *Licensing Transient Traders. Sec. 489 (9).*  
 “ *Schools. Sec. 489 (10).*  
 “ *Cemeteries. Sec. 489 (11, 12).*  
 “ *Graves. Sec. 489 (13).*  
 “ *Cruelty to Animals. Sec. 489 (14).*  
 “ *Dogs. Sec. 489, (15, 16).*  
 “ *Scaffolding. Sec. 489 (16a).*  
 “ *Fences. Sec. 489 (17).*  
 “ *Division Fences. Sec. 489 (18, 19).*  
 “ *Snow Fences. Sec. 489 (20).*  
 “ *Water-courses. Sec. 489 (21).*  
 “ *Weeds. Sec. 489 (22).*  
 “ *Filth in Streets. Sec. 489 (23).*  
 “ *Burning Stumps, Brush, etc. Sec. 489 (24).*  
 “ *Storing and Transporting Gunpowder. Sec. 489 (24 a.)*  
 “ *Exhibitions, Shows, etc. Sec. 489 (25, 26).*  
 “ *Trees. Sec. 489 (27).*  
 “ *Injury to property and notices. Sec. 489 (28, 29).*  
 “ *Gas and Water Companies. Sec. 489 (30, 31).*  
 “ *Giving Intoxicating Liquors to Minors, etc. Sec. 489 (32).*  
 “ *Public Morals. Sec. 489 (33-40).*  
 “ *Nuisances. Sec. 489 (41-46a).*  
 “ *Sewerage and Drainage. Sec. 489 (47-49).*  
 “ *Inspection of Meat, Milk, etc. Sec. 489 (50-53).*  
 “ *Licensing Milk Dealers. Sec. 489 (54).*  
 “ *Contagious Diseases. Sec. 489 (55).*  
 “ *Establishment of Boundaries. Secs. 489 (56), 491.*  
 “ *Acquisition of Land outside the limits. Sec. 489 (57).*  
 “ *Weighing Machines. Sec. 489 (58).*  
 “ *Pounds. Sec. 490.*  
 “ *Extension of Sewers. Sec. 492.*  
 “ *Lock-up Houses. Secs. 458, 459.*  
 “ *Tavern and Shop Licenses. See R. S. O. Cap. 194*

By-laws may be made for— **489.** The council of every township, city, town or incorporated village may pass by-laws—

*Polling Subdivisions.*

1. For dividing the wards of such city or town, or for dividing such township or incorporated village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any ward, township, village or polling subdivision exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200;

Dividing city or town into wards, etc.  
And townships and villages into polling subdivisions, etc.

(a) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections; and the polling subdivisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, except that the municipal council of every city, town or incorporated village, may by by-law unite, for the purpose of municipal elections, any two adjoining polling subdivisions.

Polling subdivisions to be the same for elections to Legislative Assembly and municipal elections.  
Adjoining subdivisions may be united for Municipal elections

(b) Where a polling place has been fixed by by-law for the holding of any election, or the taking of any vote in any township, city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable for the purpose, the clerk of the municipality shall have the power to choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid. R.S.O. c. 184, s. 489 (1); 54 V. c. 42, s. 17.

In certain cases clerk may choose polling place.

(c) An election shall not be irregular or void or voidable, for the reason that a polling sub-division is not or has not been divided which contains more than 200 voters so long as it does not contain more than 300 voters. 52 V. c. 36, s. 23.

Election not to be voided if sub-division is wrongly divided.

*Disqualification of Electors not paying Taxes.*

2. For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes due by him on or before the 14th day of December next preceding the election. See also sec. 251.

Disqualifying electors in arrear for taxes.

*Water and Waterworks.*

Constructing  
water-works.

3. For constructing building, purchasing, improving, extending, holding, maintaining, managing and conducting water-works and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in *The Municipal Water-works Act*.

Rev. Stat. c.  
192.

Supplying gas,  
or electric, gal-  
vanic, or other  
artificial light  
or heat.

4. For compelling the use of water, supplied by the water works of the city, town, township or village, for drinking and domestic purposes, within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purposes.

*Reduction of Sinking Fund.*

Reduction of  
sinking fund.

5. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws; provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly; provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

*Billiard or Bagatelle Tables.*

Licensing and  
regulating the  
use of billiard  
and bagatelle  
tables.

6. For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises, any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force;

*Victualling Houses, etc.*

Victualling  
houses, etc.,  
number and  
regulation of.

7. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public;

License and  
fees for same.

8. For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding \$20;

*Licensing Transient Traders.*

9. For licensing, regulating and governing transient traders and other persons who occupy premises in the city or town, incorporated village, or township, for temporary periods, and whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction, or in any other manner conducted by themselves or by a licensed auctioneer or otherwise but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the county in which the insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment; R.S.O. c. 184, s. 489 (2-9).

Regulating  
transient  
traders.

9a Or for requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum, in cities and towns, not to exceed \$100, and in other municipalities not to exceed \$50 by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality; but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the local municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment; 51 V. c. 28, s. 23; 53 V. c. 50, s. 19.

Licensing  
transient  
traders.

*Schools.*

10. For obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of public schools according to law; R. S. O. c. 184, s. 489 (10).

Acquiring  
land for pub-  
lic schools,  
etc.

*Cemeteries.*

11. For accepting or purchasing land for public cemeteries as well within as without the municipality, but not within any city, town or incorporated village, except as

Acquiring  
land for  
cemeteries,  
etc.

Proviso.

hereinafter provided, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying-ground or cemetery, or the cemetery company owning any burying-ground or cemetery, may agree for the sale or transfer thereof to the municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof;

Selling portion of such land for certain purposes.

- (a) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held;
- (b) Provided, however, that the municipal council of an incorporated village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality;
- (c) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the board or not, shall be paid by the village municipality to the secretary of the board. R.S.O. c. 184, s. 489 (11); 51 V. c. 28, s. 22. See R. S. O. Caps. 175, 176.

#### *Enlargement of Cemeteries.*

Councils may pass by-laws for taking lands.

12. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained;

Reference to arbitration.

- (a) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act, respecting arbitrations, as to compensation for lands taken.

- (b) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.
- (c) If the arbitrators award that the lands shall be taken for such cemetery, or burying ground, one copy of the award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.
- (d) No lands used as an orchard, pleasure ground or garden, nor any lands within two hundred yards of any dwelling house, shall be expropriated without the consent of the owner or owners of such dwelling-house. Certain lands not to be taken except with consent of owner.
- (e) The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein. Boundaries to be described in award.
- (f) All the provisions of sub-sections 11 and 13 of this section shall, as far as applicable, apply to the lands acquired under this sub-section. Sub-ss 11 and 13 to apply.

### *Protection of Graves.*

13. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred; Protecting graves.

### *Cruelty to Animals.*

14. For preventing cruelty to animals; and for preventing the destruction of birds; the by-laws for these purposes not being inconsistent with any statute in that behalf; Preventing cruelty to animals, and destruction of birds.

### *Dogs.*

15. For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs; Regulations as to dogs.

16. For killing dogs running at large contrary to the by-laws. R.S.O. c. 184, s. 489 (12-16). Killing dogs.

### *Scaffolding*

16a. For inspecting and regulating the construction and erection of hoists, scaffoldings and other constructions used in the erecting, repairing, altering or improving buildings, chimneys, or other structures; and for making all necessary regu- Construction of building scaffolding.

lations for the protection and safety of workmen and other persons employed thereon, and for appointing inspectors of scaffolding. 54 V. c. 42, s. 18.

### *Fences.*

Fences.

17. For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof; *See sec. 511 (3).*

### *Division Fences.*

Division fences, and cost thereof.

18. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water-courses shall continue applicable to the municipality. R.S.O. c. 184, s. 489, (17-18).

Provision until by-laws made. Rev. Stat. cc. 219, 220.

Barbed-wire fences.

19. For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; and in towns and cities for wholly prohibiting the construction or erection of fences made wholly or in part of barbed wire or any other barbed material, along streets and public places. R.S.O. c. 184 s. 489 (19); 53 V. c. 50, s. 18.

### *Snow Fences.*

Snow fences.

20. For requiring owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence or fences, subject to the provisions of *The Act respecting Snow Fences*; *See sec. 511 (3).*

Rev. Stat. c. 198.

### *Water-courses.*

Water-courses.

21. For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course;

### *Weeds.*

Prevention of growth of thistles and weeds.

22. For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his

duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties ; See also R.S.O. Cap. 202.

*Filth in Streets.*

23. For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, on any street, road, lane, or highway ; Preventing throwing of dirt, etc., in streets, etc.

*Burning Stumps, Brush etc.*

24. For regulating the times during which stumps, wood, logs, trees, brush, straw, shaving, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times. *See R.S.O. Cap. 213.* Regulating the burning of stumps, trees brush, etc.

*Storing and Transporting Gunpowder.*

24a. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; for regulating and providing for the support by fees, of magazines for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor. *See R. S. O. c. 184, s. 496-(9).* Storing and transportation of gunpowder.

*Exhibitions, Places of Amusement, etc.*

25. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement ; and for requiring the payment of license fees for authorizing the same, not exceeding \$500 for every such license ; and for imposing fines to an amount not exceeding the amount of the said license fee on persons infringing such by-laws ; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month ; Regulating public shows, and licensing same.  
  
Fines for infraction.

- (a) It shall not be lawful for the council of any municipal corporation, or the commissioners of police in any city, to grant licenses or license certificates to persons having exhibitions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares, or merchandise of whatever descrip- Licenses not to be granted for certain times and places.

tion, for gain on the days of the exhibition of the Agricultural Association of Ontario, or of any electoral district or township agricultural society, either on the grounds of such society, or within the distance of 300 yards from such grounds.

Exhibitions,  
etc.

26. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement.

### *Trees.*

Encouraging  
planting of  
certain trees,  
etc.

27. For allowing to any person who plants fruit trees or trees, shrubs or saplings, suitable for affording shade on any highway within the municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted ; *See R.S.O. Cap. 201.*

### *Injuries to Property and Notices.*

Ornamental  
trees.

28. For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament ; and the defacing of private or other property by printed or other notices ;

Signs.

29. For preventing the pulling down or defacing of sign-boards, or of printed or written notices lawfully affixed ;

### *Gas and Water Companies.*

Authorizing  
gas and water  
companies to  
lay down  
pipes, etc.

30. For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit ;

Taking stock  
in gas and  
water com-  
panies.

31. For acquiring stock in, or lending money to, such company ; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company ; provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any corporation holding stock in such company to the amount of \$10,000 shall be, *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors ;

Proviso.

Head of cor-  
poration to be  
a director in  
certain cases.

### *Giving Intoxicating Liquors to Minors, etc.*

Sale of intoxi-  
cating drink to  
children, etc.

32. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector ;

*Public Morals.*

33. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; Indecent placards, etc.

34. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; Vice, drunkenness, etc.

35. For suppressing disorderly houses and houses of ill-fame; Lewdness.

36. For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein; Gaming.

37. For preventing horse racing; Racing.

38. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place; and in cities and towns any such by-law may provide that the chief constable of the municipality or the inspector in charge of any police station to which any person is brought on the charge of being drunk without being disorderly may, in any case where it is so far as known to said officer a first or second arrest for such offence, release such person without bringing him before a justice of the peace or police magistrate; and any person arrested for the said offence shall be a competent witness on his own behalf. Vagrants.  
  
Release of persons arrested for drunkenness without trial.

39. For preventing indecent public exposure of the person and other indecent exhibitions. Indecent exposure.

40. For preventing or regulating the bathing or washing the person in any public water in or near the municipality. Bathing.

*Nuisances.*

41. For preventing and abating public nuisances; Nuisances.

42. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells; for preventing the fouling of the same and the wasting of water therein or therefrom; for procuring an analysis of such water, and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water; By-laws for cleansing wells, etc.

43. For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may, in the judgment of the council, be dangerous to health; Closing and filling up cesspools, etc.

Slaughter-houses, gas-works, distilleries, etc.

44. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ;

Limits in which animals may be kept.

45. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept ;

Ringling of bells, etc.

46. For regulating or preventing the ringling of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants.

Disturbances of the Peace.

46a. For preventing or regulating the firing of guns or other firearms ; and the firing or setting off of fireballs, squibs, crackers or fireworks, and for preventing charivaries and other like disturbances of the peace.

### *Sewerage and Drainage.*

Construction of cellars, drains, etc.

47. For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same ;

Filling up, draining, etc., grounds, yards, etc.

48. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains ;

Regulations for sewerage, etc.

49. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes.

### *Inspection of Meat, Milk, etc.*

Tainted provisions.

50. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food.

Regulating sales, etc.

51. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed, subject to the restrictions contained in sections 497-502.

52. For preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the by-law. *See Sec. 479 (21).*

Inspection of milk and provisions.

53. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops.

### *Licensing Milk Dealers.*

Licensing milk dealers.

54. For licensing and regulating milk vendors, and for fixing the fee to be paid for such license at a sum not to exceed \$1 for one year.

*Contagious Diseases.*

55. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the public health or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. Contagious diseases.

*Establishing Boundaries.*

56. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. Regulating boundaries of municipalities

*Acquiring Land outside the limits for Public Purposes.*

57. For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of such township, city, town or incorporated village; but such lands so acquired shall not form part of the municipality of such township, city, town, or incorporated village, but shall continue and remain as of the municipality where situate; and all by-laws passed by township councils for the purpose of acquiring land as provided by this subsection, are hereby declared as legal and binding where the by-laws have not been contested or impeached before the 23rd day of April, 1887, as if the lands were within the limits of the municipality the council of which passed the by-law. Acquiring land outside of municipality.

*Weighing Machines.*

58. For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by sub-section 8 of section 497 of this Act., R. S. O. c. 184, s. 489 (20-58). Erecting and maintaining weighing machines.

*Pounds, etc.*

**490.** The council of every township, city, town and incorporated village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)— By-laws may be made for.

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound; Providing pounds.

Animals running at large. 2. For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising the damages. 3. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to the laws of Ontario or of the municipality;

Compensation with respect to impounding animals. 4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. R. S. O. c. 184, s. 490. *See* R. S. O. Cap. 215.

Placing land-marks and monuments or marking boundaries of concessions, lots, etc. 491.—(1) In case the council of any township, city, town or incorporated village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor, in the manner provided for in sections 38, 39 and 40 of *The Act respecting Land Surveyors and the Survey of Lands*, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands.

Rev. Stat. c. 152, ss. 38-40. (2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. R. S. O. c. 184, s. 491.

Cost of survey.

#### *Extension of Sewers.*

Extension of sewers into adjoining municipality.

492.—(1) In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, such township, city, town, or incorporated village so situated, shall be permitted and have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference, then upon such terms and conditions as shall be determined by arbitration, under the provisions of this Act in that behalf.

(2) In any case where the council of any municipality shall object to allow an adjoining municipality to connect a sewer with any existing sewer or extend a sewer through its territory, as above provided, then and in every such case the arbitrators shall not only determine the terms and conditions upon which the connection or extension shall be allowed to be made; but also whether the connection or extension should, under the circumstances, be permitted or allowed to be made, but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein affect the provisions of *The Ditches and Water-courses Act*. Rev. Stat. c. 220.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. R. S. O. c. 184, s. 492.

*For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see secs. 458, 459; and as to Tavern and Shop Licenses, see R. S. O. Cap. 194.*

### DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES AND TOWNS.

*Respecting Plumbers. Sec 493 (1).*

*“ Accidents by Fire. Sec 493 (2).*

**493.** The council of every township, city and town may pass by-laws :

#### *Plumbers.*

1. For licensing and regulating plumbers.

#### *Prevention of Accident by Fire.*

2. For making better provision for securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement, against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height. R. S. O. c. 184. s. 493.

### DIVISION IV.—POWERS OF COUNCILS OF COUNTIES AND CITIES

#### *Horse Thieves. See 494.*

**494.** The council of every county or city shall provide by-law, that a sum not less than \$20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county or city, and such reward shall be paid out of the funds of the corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. R. S. O. c. 184, s. 494.

Reward for apprehension of persons guilty of horse stealing

# DIVISION V.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

*Respecting Engineers, Inspectors, Gaol Surgeons, etc. Sec 495 (1).*

“ *Auctioneers. Sec. 495 (2).*

“ *Hawkers and Pedlars. Sec. 495 (3).*

“ *Ferries. Sec. 495 (4).*

“ *High Schools. Sec. 495 (5, 6).*

“ *Support of pupils at High Schools, Toronto University and U. C. College. Sec. 495 (7, 8).*

“ *Endowment of Fellowships. Sec. 495 (9).*

“ *Public Fairs. Sec. 495 (10).*

“ *Junk Shops, etc. Sec. 495 (11-12).*

“ *Schools for Artisans. Sec. 495 (13, 14).*

By-laws may be made for— **495.** The council of any county, city and town separated from the county for municipal purposes, may pass by-laws for the following purposes:

## *Engineers—Inspectors—Gaol Surgeons, etc.*

Appointing engineers, inspectors, gaol surgeons, etc.

1. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers; R. S. O. c. 184, s. 495 (1).

## *Auctioneers.*

Licensing, etc., auctioneers.

2. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force; and for licensing, regulating and governing bill-posters, and for fixing the sum to be paid for every such license, and the time it shall be in force; R. S. O. c. 184, s. 495 (2); 53 V. c. 50, s. 20.

## *Hawkers and Pedlars.*

Hawkers, petty chapmen, etc.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force:

In case of counties for providing at the discretion of the council, either the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses, in

this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws :

Provided always that no such license shall be required for Proviso. hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf ; and such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer :

And provided also that nothing herein contained shall affect Proviso. the powers of any council to pass by-laws, under the provisions of section 496 of this Act.

- (a) The word "hawkers" in this sub-section shall include Interpretation "Hawkers." all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods, watches, plated ware, silver ware, or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise.

- (b) The provisions of any by-law passed or enacted by any municipal council prior to the first day of October, 1885, shall not be held as extending to any persons who, by this sub-section are to be held as included within the meaning of the word "hawkers."

### *Ferries.*

4. For licensing and regulating ferries between any two places within the municipality, under the provisions of *The Act respecting Ferries*, and establishing the rate of ferriage to be taken thereon ; but no such law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council, but the powers by this sub-section conferred on county councils shall not extend to a ferry between any two places within the same township. Licensing, etc ferries, etc. Rev. Stat. c. 117, s. 14.

- (a) Until the council passes a by-law regulating such ferries and in the case of ferries not between two places in the same municipality, the Lieutenant-Governor, by Order in Council, may, from time to time, regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the statutes in force relating to ferries. Until by-law passed, Lieut.-Governor in Council to regulate.

*Lands for High Schools.*

Establishing High Schools. 5. For establishing high schools and appointing high school trustees, subject to *The High Schools Act*, and for obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required;

*Aiding High Schools.*

Aiding High Schools. 6. For making provisions in aid of such high schools as may be deemed expedient, notwithstanding anything contained in this Act or in *The High Schools Act*, the county council of any union of counties may pass a by-law for the purpose of apportioning the amount to be levied for high school purposes, so that each county forming such union shall be liable only for the maintenance of the high schools situated within such county.

*Supporting Pupils at High Schools, Toronto University and Upper Canada College.*

Supporting certain High School pupils at University of Toronto and U. C. College, etc. 7. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College in Toronto, of such of the pupils of the public high schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College; *See R. S. O. Cap. 226, s. 36 (4).*

Similar provision for attendance at High Schools. 8. For making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality; *See R. S. O. Cap. 226, s. 36 (5).*

*Endowing Fellowships.*

Endowing fellowships, etc., in University of Toronto and U. C. College. 9. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College at Toronto, for competition among the pupils of the public high schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof; *See R. S. O. Cap. 226, s. 36 (6).*

*Public Fairs.*

10 For authorizing, on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes ;

Authorizing the holding, etc., of public fairs, and regulating same.

(a) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

Purpose of such fairs restricted.

(b) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair.

Rules to be made for governing same.

(c) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same

Public notice of by-law establishing same.

*Junk Shops.*

11. For licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for a license so to have or keep such "junk" store or shop. R. S. O. c. 184, s. 495 (3-11).

Licensing and regulating "junk" shops.

12. For defining the areas within which tanneries hereafter erected, rag, bone, or junk shops, or other industries of a noxious or unhealthy character may not be carried on within the said municipality. 53 V. c. 50, s. 21.

By-laws for defining districts within which certain trades may be carried on.

*Schools for Artisans.*

13. For establishing schools for the training and education of artisans, mechanics and workmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools ; and for erecting and maintaining suitable buildings thereon ; and for improving and repairing such school buildings, and for disposing of such property when no longer required.

Establishment of schools for artisans.

(a) The councils of any municipalities establishing such schools may appoint boards of trustees or managers to conduct the schools, giving them such authority or power for the management of the same, as the councils may deem expedient. 54 V. c. 42, s. 19, *part.*

*Aiding Schools for Artisans.*

Aid to such  
schools.

14. For making grants in aid of such schools as may be deemed expedient. 54 V. c. 42, s. 19, part.

*For powers of Counties, Cities and Towns as to Houses of Refuge, See sec. 460.*

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DIVISION VI.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

- Respecting Light and Heat. Sec. 496 (1).*  
 “ *Begging in the Streets. Sec. 496 (2).*  
 “ *Enclosure of Vacant Lots Sec. 496 (4).*  
 “ *Driving upon Sidewalks. Sec. 496 (5).*  
 “ *Importuning Travellers. Sec. 496 (6).*  
 “ *Interments. Sec. 496 (7, 8).*  
 “ *Erection of Hoists and Elevators. Sec. 496 (9a).*  
 “ *Wooden Buildings. Sec. 496 (10).*  
 “ *Dwellings on Narrow Streets. Sec. 496 (10a).*  
 “ *Prevention of Fires. Sec. 496 (11-24).*  
 “ *Removal of Snow, Ice, Dirt. Sec. 496 (25).*  
 “ *Removal of obstructions to Wharves, Waters, etc. Sec. 496 (26).*  
 “ *Obstruction of Roads and Streets. Sec. 496 (27, 28).*  
 “ *Numbering Houses and Lots—Record of Streets. Sec. 496 (29, 30).*  
 “ *Naming Streets. Sec. 496 (31).*  
 “ *Cellars. Sec. 496 (32, 33).*  
 “ *Sewerage and Drainage. Sec. 496 (34, 35).*  
 “ *User of Streets. Sec. 496 (36, 37).*  
 “ *Cab Stands. Sec. 496 (38).*  
 “ *Telegraph Poles. Sec. 496 (39).*  
 “ *Children riding behind waggons. Sec. 496 (40).*  
 “ *Sale of Tobacco. Sec. 496 (41).*  
 “ *Inspection of Bathing and Boat Houses. Sec. 496 (42).*  
 “ *Night Watchmen. Sec. 496 (43).*  
 “ *Markets, etc. Secs. 497-502, 503 (1-11).*  
 “ *Assize of Bread. Sec. 503 (12).*

By-laws may be made for— **496.** The council of every city, town and incorporated village may pass by-laws :

*Light and Heat.*

Rev. Stat. c. 191. 1. For manufacturing and supplying light and heat under *The Municipal Light and Heat Act.*

*Begging in the Streets.*

2. For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity ;

Prevention of begging, etc.

[Sub-section 3 repealed. See *Municipal Amendment Act, 1892, section 43.*]

*Enclosure of Vacant Lots.*

4. For causing vacant lots to be properly enclosed ;

Vacant lots

*Driving upon Sidewalks.*

5. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor ;

Driving, etc., upon sidewalks.

*Importuning Travellers.*

6. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed ;

Importuning travellers.

*Interments.*

7. For regulating the interment of the dead, and for preventing the same taking place within the municipality ;

Interments.

8. For directing the keeping and returning of bills of mortality ; and for imposing penalties on persons guilty of default ;

Bills of mortality.

[Sub-section 9 repealed. See *Municipal Amendment Act, 1892, section 44.*]

*Erection of Hoists and Elevators.*

9a. For regulating the construction of cranes, hoists and elevators and determining the manner in which elevators in buildings shall be constructed and worked (whether automatically or otherwise) and for providing for the inspection of all cranes, hoists and elevators, but none of the provisions of the by-laws shall be inconsistent with *The Factory Act* so far as the same provides for the regulation or construction of cranes, hoists and elevators. 53 V. c. 50, s. 22.

Erection of hoists and elevators.

*Wooden Buildings.*

10. For regulating the erection of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, town, or village ; and also for prohibiting the erection or placing of buildings,

Regulating erection of buildings and fences.

Establishment of fire limits. other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire-proof; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law; R. S. O. c. 184, s. 496 (10).

*Dwellings on Narrow Streets.*

Dwellings on narrow streets. 10a. For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts. 52 V. c. 36, s. 24.

*Preventing Fires.*

Fire companies, etc. 11. For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property saving companies;

Medals and rewards.  
Aid to widows. 12. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting, the widows and orphans of persons who are killed by accident at such fires;

Fire in stables, etc. 13. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places;

Dangerous manufactories 14. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire;

Chimneys, stoves, etc. 15. For preventing, and for removing or regulating, the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire;

Regulating construction etc., of chimneys. 16. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same, and for compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein;

Ashes. 17. For regulating the mode of removal and safe keeping of ashes;

Party walls. 18. For regulating and enforcing the erection of party walls;

19. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches ; or stairs or ladders leading to the roof ;

Scuttles,  
ladder, etc.,  
to houses.

20. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident ;

Guarding  
buildings  
against fire.

21. For requiring the inhabitants to provide so many fire buckets, in such manner and time as may be prescribed ; and for regulating the examination of them, and the use of them at fires ;

Fire buckets.

22. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ;

Inspection of  
premises.

23. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire ;

Preventing  
spreading of  
fire.

24. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires ;

Enforcing  
assistance at  
fires.

### *Removal of Snow, Ice, Dirt.*

25. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them ; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises ; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same ; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default ; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates.

Removal of  
snow, etc.

Cleaning of  
sidewalks,  
streets, etc.

(a) The council may, in the by-law passed for the purposes of this sub-section, define certain areas or streets within the municipality, within or upon which the by-law shall be operative.

### *Removal of obstructions from wharves, waters, etc.*

26. For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

By-laws to  
regulate the  
cleanliness of  
wharves,  
docks, etc.

*Obstruction of Roads or Streets.*

Preventing obstruction and fouling of streets, etc.

27. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication ;

Removal of door-steps, etc.

28. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found ;

*Numbering Houses and Lots.*

Numbering houses, etc.

29. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot, with the expense incident to the numbering of the same ;

Record of streets, numbers, etc.

30. For keeping (and every such council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection.

*Naming Streets.*

For marking the boundaries of and naming streets, etc.

31. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property ; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect unless passed by a vote in favour thereof of at least three-fourths of the whole council, nor unless and until the by-law has been registered in the registry office of the registry division ; and the registrar shall be entitled to a fee of \$1 for every by-law so registered, and for the necessary entries and certificates in connection therewith. R. S. O. c. 184, s. 496 (11-31).

(a) Every by-law changing the name of a street in a city or town, shall state the reason for the change, and shall not be finally passed until the same has been approved by the County Judge. 54 V. c. 42, s. 20.

(b) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and persons who may

deem themselves aggrieved thereby and may desire to be heard, and any other persons the Judge may think fit.

(c) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in the *Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.

(d) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before. R. S. O. c. 184, s. 496, (31 b. c. d.)

#### *Levels of Cellars—Plans.*

32. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws; Ascertaining levels of cellars, etc.

33. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws; Compelling the furnishing of ground or block plan of buildings to be erected.

#### *Sewerage and Drainage.*

34. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid; Charging rent for sewers.

35. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town, or incorporated village, and for providing an outlet for such waters through any other municipality, and for opening, making, preserving and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this sub-section shall be exercised; Acquiring land in another municipality for drainage purposes. Proviso.

*User of Streets.*

Regulating  
traffic on  
streets and  
width of  
wheels.

36. For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law ;

37. For prohibiting or regulating the practice of coasting or tobogganing on the public streets ;

*Cab Stands.*

Cab stands.

38. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles : Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth ; R. S. O. c. 184, s. 496 (32-38).

Proviso.

*Telegraph Poles.*

Telegraph  
poles.

39. For regulating the erection and maintenance of electric light, telegraph and telephone poles and wires within their limits ; R. S. O. c. 184, s. 496 (39) ; 54 V. c. 42, s. 21.

*Children Riding behind Vehicles.*

Preventing  
children from  
riding behind  
waggons, etc.

40. For preventing children from riding on the platform of cars, or behind waggons and other vehicles, and for preventing accidents arising from such causes ;

*Sale of Tobacco.*

Regulating  
sale of tobacco

Rev. Stat. c  
194.

41. For licensing and regulating the owners and keepers of stores and shops (other than taverns and shops holding licenses under *The Liquor License Act*) where tobacco, cigars or cigarettes are sold by retail.

*Inspection of Bathing and Boat Houses.*

Inspection of  
bathing and  
boat-houses.

42. For inspecting public bathing houses and boat-houses, or premises wholly or partly used for boat-house purposes, and for preventing the use thereof for illegal or immoral purposes R.S.O. c. 184, s. 496 (40-42)

*Night Watchmen.*

43. For appointing, employing and paying a night-watchman or watchmen, for the purpose of patrolling at night or between certain hours of the night, any street or streets or such portion or portions thereof within the municipality as may by such by-law be defined, and of guarding and protecting the property, real and personal, within the limits thereby defined. Appointment of night-watchman.

(a) For levying by special rate upon all the real property within the limits defined by the by-law, except vacant lots, all the expenses of or incidental to such employment of such night-watchman or watchmen in the same manner and at the same time as payment of the other rates or taxes within the municipality is enforced ; Special rate to be levied.

(b) No such by-law shall be passed except upon petition therefor by two-thirds of the freeholders and householders who, upon the passing thereof, would become liable to be charged with the expenses to be incurred thereunder, and who represent as value at least two-thirds of the assessed real property thereon liable to be charged with such expenses ; Petition by ratepayers.

(c) No such petition shall be received or acted on by the council unless, and until all the signatures thereon are proved by the affidavit of a reliable and competent witness to be the genuine signatures of the persons whose signatures they purport to be, and that the contents thereof were made known to each person signing the same before signature ; Proof of signatures.

(d) As between the landlord and tenant of premises comprised within the limits defined by said by-law, the tenant shall be liable for the expenses to be levied thereunder, for the period or time of his occupation, unless there is an express agreement to the contrary. 52 V. c. 36, s. 25. Liability of tenant.

*Markets, etc.*

497.—(1) No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market, or to the market place, for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. Market fees on certain products abolished.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. When fees may be charged on butter, etc., brought to market.

Fees not to be charged on articles delivered in pursuance of prior contract.

(3) When the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof, or on the vehicle in which the same is so brought.

When fees not to be charged, though no prior contract.

(4) Where there is no prior contract as mentioned in the previous sub-section, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of the municipality.

Restriction as to by-laws requiring articles to be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured.

Limit of time for enforced sale of goods at market.

(6) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place; Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained.

Scale of market fees.

(7) No market fees shall be imposed by any municipality higher than those contained in the following scale :

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than.....10 cents.  
 Upon articles brought to the market place in a vehicle drawn by one horse, not more than.....5 cents.  
 Upon articles brought to the market place by hand or in any basket or vessel, not more than.....2 cents.  
 Upon or in respect of live stock driven to or upon the market place for sale, as follows :  
 Every horse, mare, or gelding, not more than..10 cents.  
 Every head of horned cattle, not more than.....5 cents.  
 Every sheep, calf, or swine, not more than.....2 cents.

Scale of fees for weighing or measuring.

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows :

For weighing a load of hay.....15 cents  
 For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds.....2 cents.

Over one hundred pounds, and up to one thousand pounds.....	5 cents.
Over one thousand pounds.....	10 cents.
For weighing live animals, other than sheep or pigs, per head.....	3 cents.
Sheep or pigs, if more than five, per head.....	1 cent.
If less than five, for the lot.....	4 cents.
For measuring a load of wood .....	5 cents.

(9) Subject to the other provisions of this section, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise. R.S.O. c. 184, s. 497.

Regulation of sale and traffic.

**498.**—(1) The preceding section shall not apply to any municipality which shall pass, and so long as it shall keep in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof.

Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees ;

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as shall voluntarily use the market place for the purpose of selling such articles.

but such by-law may impose fees on persons voluntarily using market ;

(3) The by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee ; but this sub-section shall not apply to grain, seeds, dressed hogs or wool.

and on others taking advantage of market

(4) The by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned ; nor shall the by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained.

By-law not to interfere with sales to persons carrying on business in vicinity of market.

(5) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by the municipality on the 1st day of March, 1882.

Restriction on fees.

Fees not to be charged on markets made in streets.

(6) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on, or out of any street or part of any street within said municipality: Provided always that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. R.S.O. c. 184, s. 498.

Preceding section not to apply when no fees are charged.

**499.** The preceding section shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but sections 497, 500 and 501 shall apply to such municipality in the event of market fees being thereafter charged or imposed therein. R.S.O. c. 184, s. 499.

Power to regulate sales when no fees are charged.

**500.** Nothing in the preceding sections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882: Provided always that market fees within the meaning of this section shall not include fees for weighing or measuring; Provided further, that after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places. R.S.O. c. 184, s. 500.

Inconsistent enactments to be of no effect.

**501.** When and so long as section 497 shall be in force and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality; and when and as long as section 498 shall be in force in and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality. R.S.O. c. 184, s. 501.

Right to lease market fees.

**502.** Subject to the provisions of the last preceding five sections, every municipality shall have the power to sell, assign, or lease its market fees. R.S.O. c. 184, s. 502.

Market by laws.

**503.** The council of every city, town and incorporated village may, subject to the restrictions and exceptions contained in the last preceding six sections, also pass by-laws:

Establishing markets.

1. For establishing markets;

Regulating markets.

2. For regulating all markets established and to be established; the places, however, already established as markets in

the municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority ; and all market reservations or appropriations heretofore made in any such municipality shall continue to be vested in the corporation thereof ;

3. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale. Old markets continued.

4. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor ; and also for preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto ; R.S.O. c. 184, s. 503 (1-4) Regulating vending in streets, etc.

5. For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding \$50 in cities and \$25 in towns and incorporated villages to be paid for such license, and for enforcing the payment of the same. and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the council, but nothing herein contained shall affect the powers conferred in the preceding sub-section; provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale of fresh meat in quantities less than by the quarter carcase within the said municipality by anything contained in sections 497 or 500 of this Act. R.S.O. c. 184, s. 503 (5) ; 53 V. c. 50, s. 23, *part*. Sale of grain, meat, farm produce, small ware, etc.   
 Regulating sale of meat.

6. For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market. R.S.O. c. 184, s. 5, 503 (6) ; 53 V. c. 50, s. 23, *part*. Preventing forestalling, etc.

7. For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners ; Regulating hucksters, etc.

8. For regulating the measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel ; Measuring, etc., certain articles.

9. For imposing penalties for light weight or short count or short measurement in anything marketed ; *See sec. 479 (21).* Penalties for light weight, etc.

10. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid ; Regulating vehicles used in market vending.

Sale of meat,  
distrained.

11. For selling, after six hours' notice, butchers' meat distrained for rent of market stalls; R.S.O. c. 184, s. 503, (7-11).

*Assize of Bread.*

Assize of  
bread.

12. For regulating the assize of bread. R.S.O. c. 184, s. 503 (12). See Sec. 479 (21).

DIVISION VII.—POWERS OF COUNCILS OF CITIES AND TOWNS.

*Respecting Police. Sec. 504 (6-7).*

“ *Industrial Farms—Exhibitions. Sec. 504 (8-10).*

“ *Almshouses—Charities. Sec. 504 (11).*

“ *Corporation Surveyor. Sec. 504 (12).*

“ *Gas and Water. Sec. 504 (13), 505-508.*

“ *Street Railways. Sec. 504 (14-16), 505.*

By-laws may  
be made for—

**504.** The council of every city and town may pass by-laws :

[*Sub-sections 1 to 5 transferred to Sec. 479 (24-28). See 35 V. c. 50, s. 24.*]

*Police.*

Police.

6. For establishing, regulating and maintaining a police but subject to the other provisions of this Act ;

Superannua-  
tion and bene-  
fit funds for  
fire and police  
force.

7. For aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established ;

*Industrial Farm—Exhibitions.*

Industrial  
farms, parks,  
etc.

8. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town ; See secs. 460, 462.

Buildings  
thereon.

9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions as the council deems necessary ;

Managing the  
same.

10. For the management of the farm, park, garden, walk or place for exhibitions and buildings ;

*Almshouses—Charities.*

11. For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town; *See sec. 479 (12), and as to Workhouses, sec. 462.*

*Corporation Surveyor.*

12. For appointing any provincial land surveyor to be the corporation surveyor; Almshouses,  
etc.  
  
Corporation  
surveyor.

*Gas and Water.*

13. For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years, nor less than five years. R.S.O. c. 184, s. 504 (6-13). Construction  
of gas and  
water works.

*Street Railways*

14. For building, equipping, maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant-Governor in Council may approve, and for leasing the same from time to time on such terms as may be determined on, and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years, provided that the powers conferred by this sub-section shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company. Street rail-  
ways.

15. A municipal corporation which builds, constructs, owns, or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same shall conflict or be inconsistent with or be repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from the obligations and liabilities in respect of roads, streets, highways or bridges as provided by this Act. 53 V. c. 50, s. 25.

16. In addition to the powers given and contained in sub-section 14 of this section any city or town operating or proposing or intending to build or operate a street railway within Power to  
operate  
extension of  
street railway  
in adjoining  
municipality.

Rev. Stat., c.  
171.

its own limits may also pass by-laws for building, equipping, maintaining and operating any extension of any such street railway in any adjoining municipality with the consent of such adjoining municipality by by-law, and subject to and upon such terms as the Lieutenant-Governor in Council may approve, upon the same terms and subject to the same conditions and provisions of law as any street railway company may build, maintain or operate any street railway under *The Street Railway Act* or any amendments thereof; and such city or town building, constructing, owning or managing a street railway extending beyond its territorial limits and authorized as aforesaid and with the consent aforesaid shall not be held to be illegally expending money, merely because it is expended upon or in connection with such portion of said street railway as may extend beyond its territorial limits. 54 V. c. 42, s. 23.

Estimate to be  
published, and  
notice of tak-  
ing poll on by-  
law.

**505.** No by-law under sub-sections 13 and 14 of the preceding section shall be passed—

Firstly:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length, as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;

Poll to be held  
and majority  
must be in  
favour.

Nor, secondly:—Until, at a poll held in the same manner and at the same places and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law

By-law to be  
passed within  
three months.

Nor, thirdly:—Unless the by-law is passed within three months after holding the said poll.

45 V. c. 22.

Provided always that where any city or town shall have constructed gas or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act, 1882*, or under the authority of any special Act or Acts, or shall hereafter construct such works under the authority of the said Acts or any future amendments of the same, and shall have raised the money for the purchase or construction of such works, or shall hereafter so raise the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city or town to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works or to pay the expense of any extensions or improvements thereof already made or completed wholly or in part from time to time

on the whole ratable property of the said corporation by by-laws to be passed as required by sub-section 13 of section 504 of this Act, and without complying with the requirements of this section, and it shall not be necessary to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same shall first be approved of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws, three-fourths of all the members of the council shall vote in favour of the same. R.S.O. c. 184, s. 505; 51 V. c. 28, s. 24; 53 V. c. 50, ss. 26, 27, 28; 54 V. c. 42, s. 32.

**506.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. R.S.O. c. 184, s. 506. If by-law rejected.

**507.** In case there is any water company incorporated for the municipality, the council shall not levy any water rate until such council has, by by-law, fixed a price to offer for the works or stock of the company; nor until after thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company. R.S.O. c. 184, s. 507. Provisions where there is a water company incorporated for the municipality.

**508.** The foregoing clauses or any of them shall not be construed to apply to, or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation. R.S.O. c. 184, s. 508. Proviso as to provisions in special Acts.

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#### DIVISION VIII.—POWERS OF COUNCILS OF TOWNSHIPS, TOWNS AND VILLAGES.

*Respecting Borrowing Money for Drainage Purposes.*  
Sec. 509, (1)  
 “ *Grants to High Schools and Collegiate Institutes.*  
Sec. 509, (2)

**509.** The council of every township, town or village may pass by-laws—

*Borrowing Money for Drainage Purposes.*

Drainage.

Rev. Stat. c.  
38.

1. For borrowing money and issuing debentures therefor, for the purposes and subject to the provisions of *The Tile, Stone and Timber Drainage Act*. R.S.O. c. 184, s. 509.

*Grants to High Schools and Collegiate Institutes.*

2. For making grants in aid of any high school or collegiate institute, or to build, preserve, enlarge or improve any high school or collegiate institute in any adjacent or other municipality. 51 V. c. 28, s. 25.

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DIVISION IX.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

By-laws may  
be made for—

**510.** The council of every town and incorporated village may pass by-laws :

*Licensing Vehicles, etc.*Regulating  
and licensing  
livery stables,  
cabs, etc.

For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof, and for defining localities or districts within the limits of which no livery or boarding stable shall hereafter be established. R.S.O.c.184, s. 510; 52 V. c. 36, s. 27.

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DIVISION IXa.—POWERS OF COUNCILS OF TOWNS.

By-laws for  
regulating  
teamsters, etc.

**510a.** The council of every town may pass by-laws ;

*Licensing Teamsters, etc.*

For regulating and licensing teamsters, carters and draymen and regulating the charges for the conveyance of goods or for other services. 53 V. c. 50, s. 29.

DIVISION X.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

- Respecting Protection of Booms. Sec. 511 (1).*  
 “ *Guaranteeing Debentures. Sec. 511 (2).*  
 “ *Fences. Sec 511 (3).*  
 “ *Width of Sleigh Runners. Sec. 511a.*  
 “ *Livery Stables, etc. Sec. 512.*  
 “ *Board of Audit—Criminal Justice Account. Secs 513, 514.*  
 “ *Improvements by either County of a Union. Secs. 515-519.*  
 “ *Support of Destitute Insane Persons. Sec. 520.*  
 “ *Roads and Bridges. See sec. 565.*

**511.** The council of every county may make by-laws :

*Protecting Booms.*

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the municipality ; By-laws may be made for—

*Guaranteeing Debentures.*

2. For guaranteeing debentures of any municipality within the county, as the council may deem expedient ; Protecting booms.

*Fences.*

3. For the exercise, in respect of fences along highways, or parts thereof, which it is the duty of the council to maintain, of the powers conferred upon the councils of townships, cities, towns and incorporated villages, by sub-sections 17 and 20 of section 489 of this Act. Guaranteeing debentures.

- (a) The council of every county shall be deemed and held to have had, and possessed on, from, and since the first day of February, 1883, the powers conferred by this sub-section, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county, for the taking down altering or removing any fence or fences which in the opinion of the council would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council have been or shall be fixed and prescribed. R.S.O. c. 184, s. 511 (1-3). Powers of county councils in respect of fences.

*Width of Sleigh Runners.*

County council may pass by-law regulating the width of sleighs.

**511a.** (1). The council of any county may pass a by-law providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods on any of the roads or highways within the county, unless the runners thereof shall be apart from each other at the bottom, at least, three feet, nine inches; Provided that no such by-law shall apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

Power to exempt by-law.

(2) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law, by any persons resident within the county.

When by-law to come in force.

(3) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or such further time as the council may determine upon. 51 V. c. 28, s. 26.

*Livery Stables, etc.*

Regulating and licensing livery stables, etc.

**512.** The council of every county, having county gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. R.S.O. c. 184, s. 512.

Tires.

Rates of Fare.

*Board of Audit—Criminal Justice, etc.*

County boards of audit.

**513.** Every county council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to the council, to be members of the board of audit for auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the General Quarter Sessions. R.S.O. c. 184, s. 513.

Payment of members of board.

**514.** The council may pay the members of the said board of audit any sum not exceeding \$4 each per day for

their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. R.S.O. c. 184, s. 514.

*Improvements by either County of a Union.*

**515.** The councils of united counties may make appropriations and raise funds to enable either county, separately, to carry on such improvements as may be required by the inhabitants thereof. R.S.O. c. 184, s. 515.

Enabling either county of a union to make improvements therein.

**516.** Whenever any such measure is brought before the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. R.S.O. c. 184, s. 516.

Reeves, etc., of the county interested alone to vote. Exception.

**517.** In all other respects, all the provisions of this Act making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised directly by taxation, shall be adhered to. R.S.O. c. 184, s. 517.

Provisions of this Act for repayment to apply.

**518.** The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. R.S.O. c. 184, s. 518.

Treasurer to pay over moneys without deduction.

**519.** The property to be assessed for the purposes contemplated in the last preceding four sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debentures shall be under the seal of the united counties, and be signed by the warden thereof. R.S.O. c. 184, s. 519.

The property to be assessed in such cases.

*Support of Destitute Insane Persons.*

**520.** The county council of each county shall, from time to time, make provision for the whole or partial support either in the county gaol or some other place within the county, of such insane destitute persons as cannot properly be admitted to the Provincial asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the county treasurer. R.S.O. c. 184, s. 520.

County council to make provision for the destitute insane.

## DIVISION Xa.—EXCLUSIVE POWERS OF COUNCILS OF CITIES.

Annual appro-  
priation for  
travelling and  
other ex-  
penses.

**520a.**—The council of any city may include in the annual estimates a sum to be expended in the reception and entertainment of distinguished guests, and any travelling expenses necessarily incurred in and about the business of the corporation, which sum shall, in the case of cities having a population of 100,000 or over, be not more than \$5,000; in the case of other cities having a population of 20,000 and over, not more than \$1,000, and in the case of other cities, not more than \$500 in any year. 54 V. c. 42. s. 37

Municipal  
aid to Univer-  
sity of  
Toronto.

**520b.**—The council of every city with a population of 100,000 or over may pass a by-law or by-laws for granting aid to the University of Toronto and may create a debt therefor, and may issue debentures for the amount of such debt, and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless such amount shall exceed \$500. 53 V. c. 50, s. 41.

## DIVISION XI.—EXCLUSIVE POWERS OF COUNCILS OF TOWNSHIPS.

*Respecting Statute Labour. Sec. 521 (1-8).*

“ *Town Halls. Sec. 521 (9, 10).*

“ *Ferries. Sec. 521 (11).*

“ *Purchasing Wet Lands. Sec. 521 (12).*

“ *Boundaries of Marsh Lands. Sec. 521 (13).*

“ *Nuisances. Sec. 521 (14).*

“ *Dry Earth Closets. Sec. 521 (15).*

“ *Obstructions to Streams and Water-Courses.*  
*Sec. 521 (16-18), 522.*

“ *Portable Steam Engines. Sec. 521 (19-20).*

“ *Repair of Roads. Sec. 523.*

By-laws may  
be made for—

**521.** The council of every township, may pass by-laws—

*Statute Labour.*

Commutation  
of statute  
labour.

1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding \$1 for each day's labour;

Rate of  
commutation.

2. For providing that a sum of money, not exceeding \$1 for each day's labour, may or shall be paid in commutation of such statute labour;

3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively ;

Fixing number of days' statute labour.

4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

Enforcing statute labour.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended ;

Regulating performance, etc.

6. For reducing the amount of statute labour to be performed by the ratepayers or others within the municipality, or for entirely abolishing such statute labour.

Reducing or abolishing.

7. For providing for the making and keeping open of township roads during the season of sleighing in each year, and for appointing overseers of highways, or pathmasters to perform that duty, and such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and may give to such persons as may be employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour ;

8. For providing for the application of so much of the commutation of the statute labour fund, as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities.

### *Town Halls.*

9. For acquiring lands in any town or incorporated village within, or partly within, the original boundaries of the township, for the purpose of erecting thereon a town hall, or for renting or acquiring a hall, within such town or village, for the purpose of a town hall ;

Acquiring land for a town hall in a town or village.

10. Any township owning, renting or otherwise acquiring a town hall in any such town or village may hold at such town hall, any meeting, nomination, or election, or post at such town hall any notice, assessment roll, or voters' list, or do thereat any other act required by law to be held, posted or done in the township at the town hall, and any meeting of any mutual insurance company, or upon the formation thereof, which is required by any statute to be held in the municipality, may lawfully be held in such hall.

Township and other meetings may be held and notices posted at such hall.

*Ferries.*

Powers of  
townships as  
to ferries.

11. For licensing and regulating ferries between any two places within the township with the same rights and powers in respect thereof, and as to establishing rates as are conferred upon county councils by sub-section 4 of section 495 of this Act, and upon the same terms and conditions as are provided by said sub-section 4; but this shall not apply to any ferry for which a license had been granted prior to the 30th day of March, 1885, and was then running, until the expiry of such license.

*Purchasing Wet Lands.*

Purchase of  
wet lands  
from Govern-  
ment, &c.

12. For purchasing from the Government or any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Raising money  
for purchasing  
and draining  
same.

(a) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated.

May hold or  
dispose of  
such land.

(b) The corporation of a township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous.

Proceeds of  
sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the municipality.

*Boundaries of Marsh Lands.*

Boundaries of  
marsh lands.

13. For declaring that in the case of any lands, the boundary line, or any part of the boundary line whereof passes, through a marsh or swamp, or any land covered with water the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting Petty Trespasses*, if posts are put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post.

Rev. Stat. c.  
101.

*Nuisances.*

14. For regulating slaughter houses and manufactures or trades which may prove to be nuisances. Nuisances.

*Dry Earth Closets.*

15. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law. Dry earth closets. R.S.O. c. 184, s. 521 (1-15).

*Obstructions to Streams and Watercourses.*

16. For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise ; Preventing obstruction of streams, etc.

17. For levying the amount of such expense, in the same manner as taxes are levied ; Levying expenses.

18. For imposing penalties on parties causing such obstructions. Penalties. R.S.O. c. 184, s. 521 (16-18).

*Portable Steam Engines.*

19. For regulating the distance from any public highway within the municipality within which unenclosed portable steam engines may be used for running a saw-mill or shingle mill, and preventing the use of the same for either of such purposes within such distance.

20. For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law. 51 V. c. 28, s. 27.

*Destruction of Foxes.*

21. For giving and paying bounties, not exceeding \$5 per head, for the destruction of foxes and other wild animals which kill or destroy poultry. Bounties for destruction of foxes etc.

**522.** Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality ; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality, to the satisfaction of any person whom the council of the county, in which the When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality requiring them to clear such stream within their municipality.

municipality whose council served the notice is situate, shall appoint to inspect the same; and if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge or highway in either of the said townships shall be out of repair, the corporation in default, but not the corporation that served the notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action must be brought within three months after the damages have been sustained. R.S.O. c. 184, s. 522 (1); 51 V. c. 28, s. 28.

*(Sub-section 2 repealed by 51 V. c. 28, s. 29.)*

### *Repair of Roads.*

**523.** No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing. R.S.O. c. 184, s. 523.

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## TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

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- DIV. I.—GENERAL PROVISIONS.
  - DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
  - DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
  - DIV. IV.—COUNTY AND TOWNSHIP COUNCILS.
  - DIV. V.—COUNTY COUNCILS.
  - DIV. VI.—TOWNSHIP COUNCILS.
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### DIVISION I.—GENERAL PROVISIONS.

- Highways defined.* Sec. 524.
- Freehold in Crown.* Sec. 525.
- Jurisdiction of Councils.* Sec. 526.
- Possession in Municipalities.* Sec. 527-527a.
- Acquiring Roads for Public Avenues.* Sec. 528.
- Assumption of County Bridges by Villages.* Sec. 529.
- Liability for Repairs.* Secs. 530, 531.
- County Roads and Bridges.* Secs. 532, 533.
- Improving and Maintaining County Roads and Bridges.* Secs. 534, 535-535a.
- Driftwood in Rivers and Streams.* Sec. 535b.
- Maintaining Township Roads.* Secs. 536, 537.
- Roads under Joint Jurisdiction.* Secs. 538-540.
- Transfer of former Powers of Justices in Sessions to County Councils.* Sec. 541.

*Roads vested in Her Majesty.* Sec. 542.

*Roads on Dominion Lands.* Sec. 543.

*Roads necessary for ingress and egress.* Sec. 544.

*Width of Roads.* Sec. 545-545a.

*Notices of By-laws affecting Public Roads.* Sec. 546.

*Registration of Road By-laws.* Sec. 547.

*Disputes respecting Roads—Administration of Oaths.* Sec. 548.

*Mistakes in opening Road Allowances.* Sec. 549.

### *Highways Defined.*

**524.** All allowances made for roads by the Crown surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. R.S.O. c. 184, s. 524. See R.S.O. Cap. 152, secs. 44, 45, 62 (1).

What shall constitute public highways

### *Freehold in the Crown.*

**525.** Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, shall be vested in Her Majesty, Her Heirs and Successors. R.S.O. c. 184, s. 525.

Certain highways, etc., vested in the Crown.

### *Jurisdiction of Municipal Councils.*

**526.** Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. R.S.O. c. 184, s. 526.

Jurisdiction of councils over roads, etc.

### *Possession in Municipalities.*

**527.** Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the city, township, town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. R.S.O. c. 184, s. 527.

Streets in cities, townships, towns and incorporated villages vested in municipalities subject to certain rights.

**527a.** Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated. 53 V. c. 50, s. 43.

Lands dedicated for streets not subject to dower.

*Acquiring Roads for Public Avenues.*

Acquiring roads and lands for public avenue or walk.

**528.** The council of every city and town may respectively pass by-laws for acquiring and assuming possession of and control over, any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk ;

And for acquiring from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less, subject to the provisions of section 483 of this Act. R.S.O. c. 184, s. 528.

*Assumption of County Bridges by Villages.*

Assumption by villages of bridges under control of county.

**529.** The councils of every county and incorporated village may pass by-laws for carrying out any arrangement between them for the assumption, by the village municipality, of any bridge within its limits, under the jurisdiction of the county council, and for such bridge being toll free ; and for the payment by the village municipality to the county municipality of any part of the cost of the construction of such bridge ;

After the passing of such by-laws the bridge shall be, and remain, under the exclusive jurisdiction of the village municipality ; and the village municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county municipality ; and the bridge shall be and remain toll free. R.S.O. c. 184, s. 529.

*Liability for Repairs.*

Approaches to bridges.

**530.** The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities : the remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. R.S.O. c. 184, s. 530.

Liability for repair of public roads, etc.

Limitation of actions.

**531.**—(1) Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained.

To what roads applicable.

(2) This section shall not apply to any road, street, bridge or highway laid out by any private person, and the corpora-

tion shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by by-law of the corporation, or otherwise assumed for public user by such corporation.

(3) The corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done by the council of any municipality, or by any person with the permission of the said council, upon any toll road in or through the said municipality, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. R.S.O. c. 184, s. 531 (1-3).

Repair of crossings, etc. made by leave of municipality on toll roads.

(4) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street or bridge placed, made, left or maintained by another corporation or by any person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation. R.S.O. c. 184, s. 531 (4) *part*.

Remedy in case of damages for injury caused by parties other than the corporation sued.

(5) The municipal corporation shall be entitled to such remedy over in the same action, if the other corporation or person shall be made a party to the action, and if it shall be established in the action as against the other corporation or person, that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid, placed, made, left or maintained by the other corporation or person, and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof, if the same is not already a defendant in the action jointly with the municipal corporation, and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over, and the court or judge upon the trial of the action may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein as in other cases.

Remedy over, for damages caused by non repair of road against persons causing same.

(6) If such other corporation or person be not a party defendant to such action, or be not added as a party defendant or third party, or if the municipal corporation shall pay the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the municipal corporation, such municipal corporation shall have a remedy over, by action against any other corporation or person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made,

Where person causing damage has not been made a party.

left or maintained by the other corporation or person, provided always that such other corporation or person shall be deemed to admit the validity of the judgment, if any, obtained against such municipal corporation in cases only where a notice has been served on such other corporation or person pursuant to the provisions of rule 329 of the consolidated rules made under the authority of *The Judicature Act*, or where such other corporation or person has admitted, or is estopped from denying the validity of such judgment, and where no such notice has been served, and there has been no such admission or estoppel, and the other corporation or person has not been made a party defendant or third party to the action against such municipal corporation, or where such damages have been paid without action, or without recovery of judgment against the municipal corporation, the liability of the municipal corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other corporation or person, shall be established in the action against such other corporation or person in order to entitle the municipal corporation to recover in such action. 54 V. c. 42, s. 24.

Apportionment of damages where more than one municipality liable for non-repair.

(7) Where two or more municipalities are jointly liable for the keeping in repair of a public road, street, bridge or highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair, and if an action shall be brought by any such person the same shall be brought against all of such municipalities, and any of the defendants in any such action may require that the proportions in which such damages and the costs of the action shall be borne between them shall be determined therein, and in settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each municipality was responsible, either primarily or otherwise, for the act or omission for which the damages shall become payable or be recovered, and the damages and costs shall be apportioned between them accordingly.

#### *County Roads and Bridges.*

Jurisdiction of county councils over roads and bridges.

**532.** The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village in the county, and which the council by by-law assumes with the assent of such township, town or village municipality as a county road, or bridge, until the by-law has been repealed by the council, and over all bridges across streams or ponds or lakes separating two townships in the county, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and over all bridges over rivers or ponds or lakes forming or crossing boundary lines between two municipalities. R.S.O. c. 184, s. 532; 51 V. c. 28, s. 30.

**533.** Any county council may assume, make and maintain any township or county boundary line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient. R.S.O. c. 184, s. 533.

Boundary lines may be maintained by county.

**533a—**(1) A township or village, and any town containing by the last official census a population of four thousand or less which is so situate in respect of rivers or streams as to require for the convenience of the public,

Certain municipalities may claim from county councils contribution for construction of bridges.

(a) The construction and maintenance by such local municipality of bridges one hundred feet in length or more, requiring (having regard to the other municipalities of the county) greatly disproportionate expenditure by such local municipality, either from the number of bridges or the cost thereof; or—

(b) Which, having reference to the population and assessed value of such local municipality, require for such construction or maintenance excessive or greatly disproportionate burdens upon the ratepayers thereof;

May notify the county council of any or all of the foregoing circumstances and that such municipality claims from the county council contribution of a share or percentage of the cost of construction and maintenance of such bridges one hundred feet in length or more, which the said municipality may construct and maintain after the 7th day of April, 1890.

(2) In the event of the councils of the said county and municipality respectively being unable to agree upon the share or percentage which the said county council shall contribute for the purposes aforesaid, or as to the cost or character of any such bridge, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Reference to arbitration of matters in dispute.

(3) The county council shall pay to such local municipality any sum or sums settled by agreement or fixed by arbitration for the purposes aforesaid, in such manner and at such times as may be provided by the agreement or directed by the award.

Payment of amount settled by arbitration.

(4) Or, where such application has been made by a local municipality, the county council may assume any such bridge or bridges, and in such case, in the event of the councils of the county and municipality respectively being unable to agree upon the share or percentage which the local municipality shall contribute towards such construction and maintenance, or as to the character and cost of the bridge or bridges which the county council proposes to construct and maintain, the matters in dispute shall be referred to arbitration under the provisions of this Act respecting arbitrations.

Assumption of bridge by county council.

Information as to character of bridges to be given by municipalities.

(5) The county council may require from the local municipality a statement of the kind, character and cost of any bridge or bridges of the length aforesaid proposed to be erected by the said local municipality, and the plans and specifications thereof; or when the county council has assumed such bridge or bridges, the local municipality shall be entitled to the same information from the county council.

Matters to be considered by arbitrators.

(6) Where the arbitration is upon a claim of a local municipality for contribution by the county, the arbitrators shall amongst other matters take into consideration the population and assessed values of the several municipalities of the county and also the average tax imposed by such municipalities during at least the ten years next preceding that in which the application is made, for the construction and maintenance of bridges, the necessity of other municipalities in respect of bridges, and the difference during the said ten years between the average tax imposed by the other municipalities and the applying local municipality for the purposes aforesaid. They shall also consider whether the applying local municipality receives any special or particular benefit by reason of the rivers or streams passing through, or the lakes or ponds being situate therein, which the other municipalities of the county do not receive from like or similar causes. Where the county council has assumed the bridges and calls for a contribution from a local municipality, reference shall be had *mutatis mutandis*, and as far as applicable and as may be practicable to the corresponding facts and circumstances.

Form of award.

(7) The award in either case shall not name the specific sum which the one council shall pay to the other, unless the arbitrating municipalities otherwise agree, but shall determine the share or percentage of the cost of construction or maintenance of such bridge or bridges for which the council may be liable for the ten years after the award including the year in which the award is made, and for as much longer as the two corporations interested may by the submission or by any agreement determine. The arbitrators may, by said award, fix the time or times when any moneys, by the award made payable, shall be paid.

Section not to apply to town or separate from a county.

(8) This section shall not apply to any town separated from a county. 53 V. c. 50, s. 30.

(9) This section shall apply only,

- (a) To bridges of the prescribed length, which have been or shall be constructed after the 7th day of April, 1890.
- (b) To the maintenance of all bridges of the prescribed length after the said 7th day of April, 1890; and the word maintenance shall include reconstruction in whole or in part.

*Improving and Maintaining County Roads and Bridges.*

**534.** When a county council assumes, by by-law, any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further the county council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated village in the county, necessary to connect any main public highway leading through the county. R.S.O. c. 184, s. 534.

Roads or bridges assumed by county councils.  
Maintenance of certain bridges in villages.

**535.**—(1) It shall be the duty of county councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county; and in case of a bridge over a river forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made shall be final.

Bridges between municipalities.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities, and a bridge built over a river crossing such road where it deviates as aforesaid shall be held to be a bridge over a river crossing a boundary line within the meaning of this section. R. S. O. c. 184, s. 535.

(3) Notwithstanding anything contained in this section or in section 532, the council of any county may, by by-law, provide that where the words "rivers, lakes, and ponds" are mentioned in those sections and sub-sections as applying to the erection and maintenance of bridges over such rivers, lakes and ponds, where such rivers, lakes and ponds cross any boundary line between two municipalities within such county, they or either of them shall not include or extend to any river, lake or pond less than eighty feet in width.

(4) In the event of the council of any county passing such by-law, then in such case the councils of the minor municipalities bordering upon such boundary line shall erect and maintain all bridges across streams of a less width than eighty

feet over all such rivers, lakes and ponds crossing such boundary line. 52 V. c. 36, s. 28.

Proceedings  
where liability  
of municip-  
ality to  
erect bridge  
disputed

**535a.**—Whenever there is a dispute between a county council and the council of any other municipality as to whether the duty or liability to build or maintain a bridge on any river or stream belongs to or rests upon such county council or such other council, either party to the dispute may bring and prosecute an action in the High Court of Justice for Ontario against the other to try the question in dispute, or the said court may upon the application of either party compel by mandamus the performance, by the party upon or to whom such duty or liability rests or belongs, of such duty or liability. 53 V. c. 50, s. 40.

### *Driftwood in Rivers and Streams.*

When county  
council to keep  
river or stream  
free of drift-  
wood.

**535b.**—(1) Where a river or a stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

When councils  
of counties,  
cities, or  
separated  
towns to keep  
stream free  
from drift-  
wood.

(2) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final. 51 V. c. 28, s. 31.

### *Maintaining Township Roads.*

Boundary  
lines not  
assumed by  
county coun-  
cils.

**536.**—(1) All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. R. S. O. c. 184, s. 536.

Road allow-  
ances on town-  
ship boundary  
lines.

(2) In the case of any township boundary line, or any portion of such line on which in the original survey thereof a road allowance has not been reserved, the council of any one of the municipalities bordering on such boundary line, may pass a by-law for acquiring the necessary land, either by purchase or expropriation, within such municipality for one-half of the required road allowance.

(a) The clerk of the municipality shall within four days after the passing of the by-law send by registered letter a copy of the by-law to the clerk of the adjoining municipality.

(3) Sections 539 and 540 of this Act shall apply to proceedings taken under the provisions of this section.

(4) If the matters in dispute between the two municipalities are referred to arbitration the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not.

(5) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding four years in all. 53 V. c. 50, s. 31.

**537.** Township boundary lines forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. R. S. O. c. 184, s. 537. Township boundaries, being also county boundaries.

*Roads under Joint Jurisdiction.*

**538.** In case a road lies wholly or partly between a county, city, town, township or incorporated village, and an adjoining county or counties, city, town, township or incorporated village, the councils of the municipalities between which the road lies shall have joint jurisdiction over the same although the road may so deviate as in some places to be wholly or in part within one or either of them; and the word "road" shall not include a bridge over a river forming or crossing the boundary line between two municipalities, other than counties, which bridge it is the duty of the county council to erect and maintain. R. S. O. c. 184, s. 538. Joint jurisdiction over certain roads.

**539.** No by-law of the council of any one of such municipalities with respect to such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises. R. S. O. c. 184, s. 539. Both councils must concur in by-laws respecting them.

**540.** In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. R. S. O. c. 184, s. 540. Arbitration if they do not concur.

*Transfer of former Powers of Justices in Sessions to County Councils.*

Certain powers of justices in sessions transferred to county councils.

**541.** All powers, duties and liabilities which at any time before the 1st day of January, 1850, belonged to the magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and are not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. R. S. O. c. 184, s. 541.

*Roads vested in Her Majesty.*

Roads, etc., provincial works vested in Her Majesty, etc., not to be interfered with.

Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

**542.** No council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public department or board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges: but the Lieutenant-Governor may, by proclamation, declare any public road or bridge, under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. R. S. O. c. 184, s. 542.

*Roads on Dominion Lands.*

**543.** No council shall pass a by-law—

Ordnance roads, lands, etc.,

19 V. c. 45;  
Con. Stat.  
Can. c. 24.  
See R. S. C. c.  
55.

Dominion lands,

Bridges, etc.,

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates became vested under the Statute of the Province of Canada passed in the 19th year of Her Majesty's reign, chapter 45, or the Consolidated Statute of Canada, chapter 24, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or

2. For opening any such communication through any lands held by the Dominion of Canada; or

3. Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

4. Interfering with any land reserved for military purposes, Military lands, or with the integrity of the public defences,—

without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. R. S. O. c. 184, s. 543. Not to be interfered with without consent of Dominion.

*Roads necessary for Ingress and Egress.*

**544.**—(1) No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. Council not to close road required for ingress, egress, etc. Proviso.

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitration. R. S. O. c. 184, s. 544.

*Width of Roads.*

**545.** No council, except the council of a city or town, shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road, when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the council of the municipality. R. S. O. c. 184, s. 545; 52 V. c. 36, s. 29. Width of roads.

**545a**—(1) The municipal council of any city having a population of 50,000 or more may pass a general by-law prescribing the minimum width of streets, lanes, alleys or other public places within the municipality wherein dwelling houses may be erected or occupied and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law as may from time to time alter or amend or repeal any such by-law. By-laws prescribing width of streets

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take the proposed by-law into consideration. 53 V. c. 50, s. 44

*Notices of By-laws affecting Public Roads.*

Conditions precedent to passing by-laws intended to affect public roads.

**546.** No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane ;

Notice to be posted up.

1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane ;

And published in a newspaper.

2. And published weekly for at least four successive weeks in some newspaper (if there be any) published in the municipality ; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality ; and, in either case, in the county town, if any such there be, where no such newspaper is published in the municipality or in a neighbouring municipality ;

Parties prejudicially affected to be heard.

3. Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ;

Clerk to give the notices on payment of expenses.

4. And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices.

Provision where price settled by agreement.

5. In case the council of a township or an incorporated village, and property owners interested in lands required to be taken possession of, for establishing a public road, mutually agree as to the recompense or price of such lands, the council may accept a deed or deeds for the same, which shall be registered as provided by section 547 of this Act, and in such case the publication of any by-law in the manner required by sub-section 2 shall be dispensed with. R. S. O. c. 184, s. 546.

*Registration of Road By-laws.*

By-laws under which roads are opened on private property to be registered.

**547.**—(1) Every by-law passed since the 29th day of March, 1873, or hereafter to be passed by any municipal council under the authority of which any street, road or highway has been, or is, opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land

is situate; and for the purpose of registration a duplicate original of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof.

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production, to the registrar, of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of such order or resolution of the Quarter or General Sessions, given under the hand of the clerk of the peace, as the case may be. R. S. O. c. 184, s. 547. *See also* R. S. O. Cap. 114, s. 75.

As to by-laws passed before 29th March, 1873.

*Disputes respecting Roads—Administration of Oaths.*

**548.** In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. R. S. O. c. 184, s. 548.

Power to administer oaths in certain cases.

*Mistakes in Opening Road Allowances.*

**549.**—(1) In case any municipality in whose jurisdiction an original road, or allowance for road is situate, shall open that which they take and believe to be the true site of the same, and in case the municipality, their officers and servants, shall act in good faith, and shall take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to, or as nearly upon, the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances

(2) The municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same: Provided the claims for such compensation shall be made

Municipality to make compensation.

Provido.

within one year from the time of the laying out or taking possession of such road by the municipality or its officers, or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. R. S. O. c. 184, s. 549.

## DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES IN RELATION TO ROADS AND BRIDGES.

*General Powers. Sec. 550 (1, 2).*

*Respecting Straightening, etc., Streams. Sec. 550 (2a).*

“ *Tolls. Sec. 550 (3-4).*

“ *Dangerous Places. Sec. 550 (5).*

“ *Timber, Stone, etc., on Road Allowances. Sec. 550 (6).*

“ *Privileges to Road or Bridge Companies. Sec. 550 (7).*

“ *Procuring Materials for Repairing Roads. Sec. 550 (8).*

“ *Road Allowances. Secs. 550 (9), 551-553.*

“ *Aid to adjoining Municipalities in Making Roads or Bridges. Sec. 554.*

“ *Aiding Bridge Companies. Sec. 554a.*

**550.** The council of every county, township, city, town and incorporated village may pass by-laws—

### *General Powers.*

By-laws may  
be made for—

Opening or  
stopping up  
roads, etc.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; for setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges, or other communications, as the council may deem necessary or expedient for the purpose of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same, and for preventing and removing any obstructions upon any roads or bridges within its jurisdiction, and also for permitting sub-ways for cattle under any highway; R.S.O. c. 184, s. 550 (1); 51 V. c. 28. s. 32.

Roads across  
railway lands

2. For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping

up, within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in *The Railway Streets and Drains Act*, and provided that the highway is within the jurisdiction of the council; R.S.O. c. 184, s. 550 (2). Rev. Stat. c. 199.

*Straightening, etc., Streams.*

2a. For straightening, deepening, widening, or diverting any river, creek or stream, for the purpose of preventing the flooding, undermining or carrying away of any land, or for preventing injury to any highway, bridge or other structure by the flow of the waters of any such river, creek or stream, subject to all the provisions of this Act respecting compensation for lands taken or injured, but nothing herein shall authorize the interference with any mill site or water privilege on any such river, creek or stream. 52 V. c. 36, s. 30. Straightening, etc., streams dangerous to bridges, etc.

*Tolls.*

3. For raising money by toll on any bridge, road or other work, to defray the expense of making or repairing the same; R.S.O. c. 184, s. 550 (3). Raising money by toll.

4. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of the tolls shall, during the period of his right thereto, maintain the road or bridge in repair; R.S.O. c. 184, s. 550 (5). Granting right to take tolls.

*Dangerous Places.*

5. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; R.S.O. c. 184, s. 550 (4). Making regulations as to dangerous places.

*Timber, Stone, etc, on Road allowances.*

6. For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting Timber on Public Lands* relative to Government road allowances and the granting of Crown timber licenses; For preservation of trees, stone, etc. Rev. Stat. c. 28.

*Granting Privileges to Roads or Bridge Companies.*

7. For regulating the manner of granting to road or bridge companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council ; R.S.O. c. 184, s. 550 (6-7). *See* R.S.O. Cap. 159.

Granting privileges to road or bridge companies.

7a. For purchasing and holding by itself or jointly with any other municipality such land containing stone or gravel beds within its own or any adjoining municipality as may be necessary to procure stone or gravel therefrom for the purpose of constructing, maintaining or repairing any streets, roads or highways owned by such municipality, and sell and convey the same wherever the object for which the same was purchased shall no longer exist. 54 V. c. 42, s. 25.

Power to purchase and hold land, stone or gravel beds.

Power to sell same.

*Procuring Materials for Repairing Roads.*

8. For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality ; and, for the purpose aforesaid, with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality ; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act ;

Power to take materials for roads.

(a) But no such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration.

*Selling Road Allowances.*

When the council may stop up or sell a road allowance.

9. For selling the original road allowance, to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling, in like manner, to the owners of any adjoining land, any road legally stopped up or altered by the council ; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. R.S.O. c. 184, s. 550 (8-9).

**551.**—(1) In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality, upon the report in writing of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple, to the person or persons upon whose land the new road runs.

When a road is substituted for an original allowance without compensation to person whose land is taken, such person if he owns land adjoining to be entitled to original road.

(2) When such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties, as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. R.S.O. c. 184, s. 551.

Compensation to party whose land is taken who does not own land adjoining original road.

#### *Possession of Unopened Road Allowances.*

**552.** In case a person is in possession of any part of a government allowance for road, laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof as against any private person, until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same. R.S.O. c. 184, s. 552.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

#### *Notice of By-laws for Opening such Allowances.*

**553.** No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. R.S.O. c. 184, s. 553.

Notice of by-law to be given.

#### *Aiding in making Roads and Bridges.*

**554.** The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving

By-laws to aid adjoining municipality to open roads, etc.

ing any highway, road, street, bridge, or communication passing from or through an adjoining municipality. R. S. O. c. 184, s. 554.

*Aiding Bridge Companies.*

Aiding bridge companies.

**554a.**—The council of every county, township, city, town and incorporated village, may pass by-laws for subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between the municipality and another, and all the sub-sections of section 634 of this Act shall apply in the same manner, and with the same effect, as if the words “or bridge company” were inserted in sub-section 4, in the first line after the words “railway company,” and the words “or bridge” were inserted after the word “railway,” in the second line of the said sub-section. 52 V. c. 36, s. 42.

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DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

*Aiding Counties in opening New Roads. Sec. 555 (1).*

*Joint works with other Municipalities. Sec. 555 (2).*

*Improvements on Streets between two Municipalities. Sec. 555 (3).*

*Repair of Township Roads, how enforced. Secs. 556-564.*

By-laws may be made for—

**555.** The council of every township, city, town and incorporated village may pass by-laws—

*New Roads.*

Aiding counties in making roads and bridges.

1. For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality;

*Joint Works with other Municipalities.*

Joint works with other municipalities.

2. For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. R.S.O. c. 184, s. 555.

*Improvements on Streets between Two Municipalities.*

3. Whenever a public street, square or drive forms the boundary between any two or more municipalities, (although such street, square or drive is wholly within the limits of one of such municipalities or partly in each), the councils of such municipalities may make and enter into any agreements and pass any by-laws proper and necessary to provide for the construction and maintenance of any one or more of the street improvements or works, and the performance of any one or more of the street services for which provision is made in this Act in sections 612 to 629, both inclusive, and every such council may pass by-laws for ascertaining, determining and raising so much of the cost of any such work, improvement or service as is to be borne by the municipality generally, and for determining the proportion thereof to be assessed and levied upon the real property benefited thereby, and for assessing and levying upon the real property so benefited and situate within its jurisdiction, and for collecting the proportion or share of the cost of any such improvement, work or service done under any such agreement by the municipality, in the same manner and with the like remedies as if the improvement had been made or work had been done or service had been rendered upon or in a street within the municipality, and as if the cost thereof was assessable upon real property, the whole of which was situate in the same municipality. 52 V. c. 36, s. 31.

Improvements on streets between two municipalities.

*Repair of Township Roads—how enforced.*

**556.** Whenever township councils fail to maintain township boundary lines not assumed by the county council, in the same way as other township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. R. S. O. c. 184, s. 556.

Township council failing to perform their duty.

**557.** In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line, to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. R.S.O. c. 184, s. 557.

Resident rate-payers may petition county council to enforce opening up of road.

**558.** A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. R.S.O. c. 184, s. 558.

Action by county council on petition.

**559.** The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of the statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. R.S.O. c. 184, s. 559.

**560.** It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the townships interested intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then the commissioner or commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. R.S.O. c. 184, s. 560.

**561.** Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer, on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township; but if there are not, at any time before the striking of a county rate, any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. R.S.O. c. 184, s. 561.

**562.** Whenever the several townships interested in the whole or part of any county boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend, either in money or statute labour, or both, and the mode of expenditure, on such road; the County Judge of the county in which the township first making the application is situate, shall in all cases be the third arbitrator. R.S.O. c. 184, s. 562.

**563.** It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute. The warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and County Judge of the time and place of meeting, within eight days of the time of his receiving such application. R.S.O. c. 184, s. 563.

**564.** At such meeting the wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of the commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of the commissioner or commissioners in performing the statute labour unexpended. R.S.O. c. 184, s. 564.

What the wardens and county judge shall determine, etc.

#### DIVISION IV.—POWERS OF COUNTY AND TOWNSHIP COUNCILS IN RELATION TO ROADS.

##### *Sale or Lease of Minerals on or under Roads.*

**565.**—(1) The corporation of any township or county, wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon, or under any roads over which the township or county may have jurisdiction, if considered expedient so to do.

Sale or lease of mineral rights under roads.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

No sale or lease till after notice.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. R.S.O. c. 184, s. 565.

Sale or lease not to interfere with public travel.

#### DIVISION V.—POWERS OF COUNTY COUNCILS IN RELATION TO ROADS AND BRIDGES.

*Respecting the closing of Road Allowances. Sec. 566 (1).*

“ *The opening and altering of Roads. Sec. 566 (2).*

“ *Trees obstructing highways. Sec. 566 (3).*

“ *Double tracks in Snow Roads. Sec. 566 (4).*

“ *Aid to Townships. Sec. 566 (5).*

“ *Repair of County roads in local Municipalities. Sec. 566 (6, 7).*

**566.** The council of every county shall have power to pass by-laws for the following purposes:

By-laws for—

*Closing Road Allowances.*

Disposing of original allowance for roads in certain cases.

1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to section 546 of this Act;

*Opening and Altering Roads.*

Opening, etc., roads, etc., within or between several municipalities

2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county; or any bridge required to be built or made across any river over 100 feet in width within any incorporated village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county and any adjoining county or city or separated town, or on the bounds of any town or incorporated village, within the boundaries of the county, as the interests of the inhabitants of the county, in the opinion of the council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained;

*Trees obstructing Highways.*

May direct the trees to be cleared on each side of highways.

3. For directing that, on each and either side of a highway, under the jurisdiction of the council, passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor, within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may further pay such expenses out of county funds;

*Double Tracks in Snow Roads.*

Double tracks in snow roads. Rev. Stat. c. 197.

4. For providing for the making and keeping open of double tracks in snow roads, according to the provisions of *The Act respecting Double Tracks in Snow Roads*;

*Aiding Townships, etc.*

5. For granting to any town, township or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work, and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient;

For aiding the making of roads and bridges.

Guaranteeing debentures of local municipalities.

*Repair of County Roads in local Municipalities.*

6. For requiring that the whole or any part of a county road within any local municipality shall be opened, improved and maintained by such local municipality. R. S. O. c. 184, s. 566 (1-6.)

Opening roads in local municipalities.

7. For abandoning or otherwise disposing of the whole or any portion of a toll or any other road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties, and on the passing of such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon: Provided, however, that no such by-law shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council. R. S. O. c. 184, s. 566 (7); 53 V. c. 50, s. 32.

Disposing of roads.

DIVISION VI.—POWERS OF TOWNSHIP COUNCILS IN RELATION TO ROADS AND BRIDGES.

*Aiding Counties. Sec. 567 (1).*

*Closing Road Allowances. Sec. 567 (2).*

*Trees obstructing Highways. Sec. 567 (3).*

*Footpaths. Sec. 567 (4).*

*Sale of Roads in Villages and Hamlets. Sec. 568.*

**567.** The council of every township may pass by-laws—

By-laws for—

*Aiding Counties.*

1. For granting to any adjoining county, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid, to the county in which the township lies,

Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

in respect of any highway, road, street, bridge, or communication, within the township, assumed by the county as a county work, or agreed to be so assumed on condition of such grant ;

*Closing Road Allowances.*

Stopping up,  
leasing or sale  
of original road  
allowance.

2. For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the municipality, and for fixing and declaring therein, the terms upon which the same is to be leased, sold and conveyed ;

Proviso.

But no such by-law shall have any force—

(a) Unless passed in accordance with section 546 of this Act, nor

(b) Until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof ;

*Trees obstructing Highways.*

Ordering trees  
to be cut down  
on each side of  
a road.

3. For directing that, on each or either side of a highway under the jurisdiction of the council, passing through a wood the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose division the land lies ; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect ; and the council may grant, out of township funds, any money that may be necessary to pay for cutting down and removing such trees ;

*Footpaths.*

Footpaths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. R. S. O. c. 184, s. 567.

*Sale of Roads in Villages or Hamlets.*

When roads in  
police villages  
and certain  
hamlets may  
be stopped up,  
sold, etc., by  
township  
council.

**568.**—(1) In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of 200 acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincor-

porated village or hamlet, not being a police village, is accompanied by a certificate from the registrar of the registry division within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

(2) The preceding sub-section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. R. S. O. c. 184, s. 568.

When village is partly in each of two townships.

### TITLE III.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. II.—TOWNSHIPS AND VILLAGES.

DIV. III.—COUNTIES.

#### DIVISION I.—LOCAL IMPROVEMENTS IN TOWNSHIPS, CITIES TOWNS AND VILLAGES.

- "Referee" and "reference," meaning of. Sec. 568a.*
- Local drainage by-laws, and fund for. Secs. 569, 570.*
- Complaints respecting assessments, how tried. Sec. 569 (10-15).*
- Quashing by-laws, limitations respecting. Secs. 571-574.*
- Extension of works to other Municipalities. Sec. 575.*
- Mode of apportioning cost. Secs. 576-582.*
- Who to keep in repair. Secs. 583-590.*
- Damage done by works. Secs. 591, 592.*
- Drainage by private persons. Sec. 593.*
- Earth, etc., may be spread on road. Sec. 594.*
- Part of cost payable by Municipality. Sec. 595.*
- Construction of ditch on town line between two Municipalities. Secs. 596, 597.*
- Construction of works affecting several Municipalities in same County. Secs. 598, 599.*
- Construction of works affecting several Municipalities in different Counties—Procedure. Secs. 600-611.*
- Construction of Roads in Townships. Secs. 611a, 611b.*
- Cost of local improvements. Secs. 612-628.*
- Sweeping, watering and lighting streets. Sec. 629.*

*Drainage Works.*

"Referee" or  
"reference,"  
meaning of.

**568a.** The word "referee" wherever the same occurs in this Act from sections 569 to 612 inclusive shall mean the referee appointed under *The Drainage Trials Act, 1891*, and the word "reference" in the said sections shall mean a reference to the said referee, and the provisions of the said Act shall apply to all proceedings instituted under the drainage clauses of this Act according to the true intent and meaning thereof. *New.*

Municipal  
councils may  
pass by-laws  
for deepening  
streams, etc.,  
drainage, etc.

**569.** In case the majority in number of the persons, as shewn by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any township, city, town or incorporated village, petition the council for the deepening or straightening of any stream, creek, or water-course, or for the draining of the property (describing it), or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or water-course, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the council may procure an engineer or provincial land surveyor to make an examination of the stream, creek or water-course proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or surveyor, and an assessment to be made by such engineer or surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every road and lot, or portion of lot; and if the council is of opinion that the proposed work, or a portion thereof, would be desirable, the council may pass by-laws:

Examination  
by engineer.

For deepening  
streams, etc.

Plans and  
estimates.

1. For providing for the proposed work, or a portion thereof being done, as the case may be.

For borrowing  
requisite  
funds, etc.

2. For borrowing, on the credit of the municipality, the funds necessary for the work or the proportion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities and for issuing the debentures of the municipality to the requisite amount including the costs of reference, if any, in sums of not less than \$100 each and payable within twenty years from date, with interest at a rate of not less than four per centum per annum. *New.*

Payment of  
interest on  
debentures  
how made.

(a) Any council issuing debentures under the provisions of this section, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each de-

benture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section, as aforesaid; R. S. O. c. 184, s. 569 (1-2).

3. For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the work, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by joint stock companies or private individuals, and including roads held by counties or county councils), in proportion, as nearly as may be, to the benefit derived by each lot or portion of lot and road in the locality;

Levying rate  
for payment.

(a) The cost of any reference had in connection with the construction of any works under this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate;

What cost to  
be deemed cost  
of works.

(b) Any person whose property has been assessed for such work may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; and

Proviso.

(c) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for any works under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase; R. S. O. c. 184, s. 569 (3); 51 V. c. 28, s. 35.

Proviso.

4. For regulating the times and manner in which the assessment shall be paid;

For providing  
how assess-  
ment be paid.

5. For determining what real property will be benefited by the works, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint by the owner or person

For ascertain-  
ing the pro-  
perty liable to  
the rate.

interested in any property assessed, (whether of overcharge, or undercharge of any other property assessed, or that property which should be assessed has been wrongfully omitted to be assessed,) to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under *The Assessment Act*;

Rev. Stat. c.  
193, ss. 64, 65.

Mode of as-  
sessing prop-  
erty.

6. The engineer or surveyor in assessing the real property to be benefited by any works to be executed under this section, need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot;

How propor-  
tion of benefit  
may be shewn.

7. The proportion of benefit to be derived from any works by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road;

7a. Any engineer or surveyor employed or appointed by any council to perform the work provided for by section 569, or any work under any of the drainage clauses of *The Municipal Act*, including the assessment of real property for the purposes of drainage shall, before entering upon his duty, take and subscribe the following oath (or affirmation) before the clerk of the municipality, a justice of the peace or a commissioner for taking affidavits, and shall leave the same with the clerk of the municipality:—

In the matter of the proposed drainage (or as the case may be) in the township (or as the case may be).

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ county of \_\_\_\_\_ (engineer or surveyor) make oath and say (or solemnly declare and affirm) that I will to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear, favour or prejudice against any owner or owners perform the duty assigned to me in connection with the above work and make a true report thereon.

Sworn (or solemnly declared and affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ County of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 189 \_\_\_\_\_.

Petition for  
draining lands  
by embanking  
etc.

8. The council shall have the like power, and the provisions of this section shall apply in cases where the work can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section.

9. In cases provided for in the next preceding sub-section, the council may pass by-laws for assessing and defraying the annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to the provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of this and the following sections to section 632 inclusive, shall be applicable, so far as possible to the draining of lands under sub-section 8 of this section; except that the council of the municipality may, on the petition of two-thirds of the owners appearing by the last revised assessment roll to be assessed for work mentioned in said sub-section, pass a by-law relieving the municipality from all liability under the provisions of section 586; and after such last mentioned by-law shall have been passed, the provisions of said section 586 shall not apply to any of the works mentioned in said sub-section and set forth and designated in said last mentioned by-law.

On petition of two-thirds of the owners council may pass by-law relieving municipality from all liability under section 586.

10. Trial of such complaints shall be had in the first instance by and before the Court of Revision of the municipality in which the lands or roads lie, which Court the council shall, from time to time as the occasion may require, hold on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication; and all notices of appeal shall be served upon the clerk of the municipality at least eight days prior to such Court of Revision; but the Court of Revision may though such notice be not given permit the appeal to be heard on such conditions as to giving notice to all persons interested and otherwise as may seem just.

Court of Revision to have primary jurisdiction.

11. Such Court shall be constituted in the same manner and have the same power as Courts of Revision under *The Assessment Act*. R. S. O. c. 184, s. 569 (4-11).

Power of. Rev. Stat. c. 193.

11a. In case of a lot or part of a lot being assessed for the construction or repair of a drain and the same property being afterwards assessed by the engineer or surveyor, for the construction or repair of another drain, the court of revision or judge may take into consideration any prior assessment or assessments for drainage purposes on the same lands. 53 V. c. 50, s. 33.

Adjustment of drainage assessment.

12. In case of any such complaint, the clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such municipality;

Transmission of assessment roll.

13. The appeal from the Court of Revision shall be to the Judge, or junior or acting Judge, of the County Court of the county within which such municipality is situate;

Appeal to county judge.

Powers of judge on appeal.

Rev. Stat. c. 193, ss. 68-74.

Varying of assessment for drainage works on appeal.

14. In case of appeal to the Judge, junior or acting Judge of the County Court, he shall have the same powers and duties and the clerk of the municipality shall have the same powers and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under *The Assessment Act*. R. S. O. c. 184. s. 569 (12-14).

15. In case, on any such complaint or appeal, the assessment in respect of the property which is the subject of complaint or appeal ought to be varied, the court or judge shall adjourn the hearing of such appeal for a sufficient time to enable the clerk of the municipality to notify all persons to be affected, personally or by registered letter, of the date to which such hearing of the said complaint or appeal if adjourned, and the said clerk shall so notify all persons interested, and unless such interested parties appear and show cause, then the court or judge may, in its or his discretion, vary the assessment so the said property and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so as to do justice to all parties, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision, shall return the roll to the municipal clerk from whom it was received, and the assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision; R. S. O. c. 184, s. 569 (15); 53 V. c. 50, s. 34.

Works to which this section applies.

16. The provisions of this section shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under any provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them, provided that the stream, lake, or pond is, for the purposes hereof, within the jurisdiction of this Legislature;

Appointment of commissioners to carry out drainage works.

17. In order the better to maintain and operate works constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth in the by-law appointing such commissioners;

Provision where obstruction is situate outside of municipality.

18. Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within

and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or with the removal thereof, were to be done and performed in part within the limits of the municipality, and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly ;

19. Where such obstruction is occasioned by or is a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or in part ; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly ;

Removal of artificial structures.

20. The two preceding sub-sections are to be taken as applying only to cases where the obstruction is actually situate or existing in a municipality next adjoining to the municipality mentioned in such sub-sections ;

Application of sub-ss. 18 and 19.

21. To remove doubts it is hereby declared and enacted that where the obstruction referred to in this section is occasioned by, or is a dam or other artificial structure, and is situate wholly within the municipality, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right to remove the same, wholly or in part ; and any amount so paid or payable as purchase money, shall be deemed part of the costs of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly, and where the lands benefited are situated partly in the said municipality and partly in the next adjoining municipality, the special rate sufficient for the payment of the principal and interest of the debentures and the assessment and levying of the same shall be made, levied and paid over by the said municipality, and the said next adjoining municipality, in such proportions as the said engineer or surveyor may determine and charge upon the lands aforesaid, and in like manner and to the same extent, as nearly as may be, as is provided for by this Act where the lands benefited are situated wholly within the municipality. R. S. O. c. 184, s. 569 (16-21).

Removal of obstructions in rivers.

22. Any person who has signed a petition under this section shall be at liberty to withdraw therefrom and to abandon such petition at any time before the expiry of the time limited for appealing from the proposed assessment to the court of revision, but not afterwards. If the proposed work shall not be proceeded with on account of such withdrawal from the petition, then the persons signing such petition including those who have withdrawn therefrom shall be *pro rata* chargeable

Effect of withdrawal of petitioners after signing.

with and liable to the municipality for the expenses incurred by such municipality in connection with such petition, and the amount with which such persons are chargeable shall be entered upon the collector's roll for such municipality against the person liable, and shall be collected in the same manner as any other sum so placed on the roll for collection. 53 V. c. 50, s. 35.

Form of by-law.

**570.**—(1) The by-law shall, *mutatis mutandis*, be in the form or to the effect following:

A BY-LAW to provide for draining parts of (or, for the deepening of in, or as the case may be) the Township of , and for borrowing, on the credit of the Municipality, the sum of for completing the same.

Provisionally adopted the day of , A. D.

Whereas the majority in number of the owners, as shewn by the last revised assessment roll, of the property hereinafter set forth to be benefited by the drainage (or deepening, or as the case may be), have petitioned the Council of the said Township of , praying that (*here set out the purport of the petition, describing generally the property to be benefited.*)

And whereas, thereupon the said Council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (or the said stream, creek, or water-course proposed to be deepened, or as the case may be), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, or as the case may be), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (or deepening, or as the case may be), by every road and lot, or portion of lot, the said assessment so made, being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said in respect thereof, and of the said drainage (or deepening, or as the case may be), being as follows: (*here set out the report of the Engineer or Surveyor employed.*)

And whereas, the said Council are of opinion that the drainage of the locality described (or the deepening of such stream, creek or water-course, or as the case may be) is desirable:

Be it therefore enacted by the said Municipal Council of the said Township of , pursuant to the provisions of *The Municipal Act*.

1st. That the said report, plans and estimates be adopted, and the said drain (or deepening, or as the case may be) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of the sum of , being the funds necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than \$100 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say, in (*insert the manner of payment, whether in annual payments or otherwise*), such debentures to be payable at , and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$475, being the amount charged against the said lands so to be benefited as aforesaid, other than lands (or roads, or lands and roads) belonging to the Municipality, and to cover interest thereon for (*ten*) years, at the rate of (*five*) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are

levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
			\$ cts.			
10	5	200	75 00			
"	S. $\frac{1}{2}$ 6	100	50 00			
"	N. $\frac{1}{4}$ 6	50	30 00			
"	S. W. $\frac{1}{2}$ 8	100	80 00			
"	9	200	150 00			
"	S. $\frac{1}{2}$ and N. $\frac{1}{4}$ 10	150	90 00			
			475 00			
Chargeable to Municipality for roads (or lands, or roads and lands).....			120 00			
			595 00			

4th. For the purpose of paying the sum of \$120, being the total amount assessed as aforesaid against the said roads (or lands, or roads and lands) of the said Municipality, and to cover interest thereon for (ten) years at the rate of (five) per cent. per annum, a special rate of in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of in each year for the period of years, after the date of the final passing of this by-law, during which the said debentures have to run.

(2) In the event of the assessment being altered by the Court of Revision or Judge, the by-law shall, before being finally passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be). Amendment of by-law.

(3) In case the council shall finally pass the by-law before the time for appealing to the Judge has expired, or while an appeal is pending before him, the Judge shall, notwithstanding such by-law has been passed, proceed and determine the appeal; and if he varies the assessment, the council shall by an amending by-law alter the by-law in accordance with the variation in the assessment made by the Judge. Provision where by-law passed before appeal determined. R. S. O. c. 184, s. 570.

**571.**—(1) Before the final passing of the by-law it shall be published, once, or oftener, in every week for four weeks in such newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining or neighbouring local municipality, as the council may designate by resolution, together with a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing Publication of drainage by-laws.

thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to the High Court, at Toronto, during the six weeks next ensuing the final passing of the by-law.

By-law may be served on property owners, instead of published.

(2) The council may, at their option, instead of such publication in a newspaper, direct by resolution that a copy of the by-law and notice, written or printed, or partly written and partly printed, be served upon each of the several owners, their lessees or occupants, or upon the agent or agents of such owners, or be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents, do not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of the by-law and notice, and the by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making the service or services, and the manner in which the same were effected. R. S. O. c. 184, s. 571.

Time allowed.

(3) Such service shall be made or registered letter sent, and a copy of the notice of the appeal also served on the clerk of the municipality, at least twenty days prior to the sitting of the Court of Revision. *New.*

If no application to quash made in time specified, by-law to be valid, notwithstanding defects.

**572.**—(1) In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if the notice is served, then, in case the application is not made or is unsuccessful the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

(2) Where the application is made, and is successful in part, so much of the by-law as is not quashed upon the application shall be valid, notwithstanding any want of substance or form aforesaid. R. S. O. c. 184, s. 572.

Power to amend by-law when no sufficient means provided for completion of the work.

**573.**—(1) In case a by-law already passed, or which may be hereafter passed by the council of any municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded, and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment.

(2) Where a by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 571 of this Act, or in case of a city, town or incorporated village, has been or shall be notified in the manner required by sub-sections 1 and 2 of section 618, section 572 shall apply to such by-law, and any by-law passed under the said preceding sub-section need not be published unless the council sees fit; and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council. R. S. O. c. 184, s. 573.

Provisions respecting by-laws passed under the preceding sub-section.

Rev. Stat. c. 37.

**574.** No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. R. S. O. c. 184, s. 574.

When debentures not invalid though not in accordance with by-law.

**575.** Where it is necessary to continue the works aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality may continue the survey and levels into the adjoining municipality, or upon the boundary between two or more municipalities, until he finds fall enough to carry the water beyond the limits of the municipality in which the work was commenced, and until he obtains a sufficient outlet for the water, and in every such case he may charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section. R. S. O. c. 184, s. 575.

When work may be extended beyond limits of municipality.

**576.** Where the works in the opinion of the engineer or surveyor aforesaid benefit lands in an adjoining municipality without extending into it, or greatly improve any road lying within any municipality or between two or more municipalities, then the engineer or surveyor aforesaid shall charge the lands to be so benefited and the corporation, person or company whose road or roads are improved with such proportion of the costs of the works as he may deem just; and the amount so charged for roads or ascertained by reference shall be paid out of the general fund of such municipality or company. *New.*

Local improvements benefiting more than one municipality.

**577.** The engineer or surveyor aforesaid shall determine and report to the council by which he was employed, whether the works shall be constructed and maintained solely at the expense of such municipality, or whether they shall be constructed and maintained at the expense of both municipalities, and in what proportion. R. S. O. c. 184, s. 577.

Report as to which municipality to bear expense.

Plans, etc.

**578.** The engineer or surveyor aforesaid, where necessary shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein. R. S. O. c. 184, s. 578.

Council of municipality wherein work is to be begun to notify municipality to be benefited.

**579.** The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor aforesaid; and unless the same is appealed from as hereinafter provided it shall be binding on the council of such municipality. R. S. O. c. 184, s. 579.

Municipality so notified required to raise necessary amounts.

**580.** The council of such last mentioned municipality shall within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise and pay over to the treasurer of the initiating municipality such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the referee in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 569 of this Act, and such council shall hold the Court of Revision provided for by sub-section 10 of section 569 of this Act. R. S. O. c. 184, s. 580; 52 V. c. 36, s. 32.

But such municipality may appeal.

**581.**—(1) The council of the municipality into which the work is to be continued, or whose lands, road or roads are to be benefited without the work being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom to the referee, in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; and such notice shall state the ground of appeal.

Proceedings thereon.

(2) When it is proposed to continue the deepening or drainage from the municipality in which the same is to be commenced into another municipality, and when through misapprehension or mistake the council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within twenty days, the Judge of the County Court of the county in which the municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said twenty days have elapsed, by order, grant permission to appeal, upon such terms and conditions, as to costs and otherwise, as he deems just and reasonable, within a time to be limited by him in the

order; or the other council or councils interested may, by resolution waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

(3) The summons to shew cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the council or councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper, by reason of the appeal or the result thereof. R. S. O. c. 184, s. 581.

[Section 582 is omitted as being inconsistent with the provisions of *The Drainage Trials Act, 1891*.]

**583.**—(1) After such work is fully made and completed, whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor, it shall be the duty of each municipality, in the proportion determined by the engineer, surveyor or referee (as the case may be), or until otherwise determined by the engineer, surveyor or referee, under the same formalities, as nearly as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council upon the report of the engineer or surveyor may seem just. R. S. O. c. 184, s. 583 (1); 52 V. c. 36, s. 34.

Each municipality to contribute to maintaining the work in proportions fixed by engineer.

(2) Any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by *mandamus*, to be issued by the referee or any Court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who, or whose property is injuriously affected by reason of such neglect or refusal.

Compelling municipalities to make necessary drainage repairs.

(a) Provided, nevertheless, that any municipality, after receiving such notice, may within fourteen days hereafter apply to the referee or the Judge of the County Court of the county within which the municipality is situate to set aside the notice. Such application may be made upon four days' notice to the person or persons who gave the notice to the municipality, and the referee or Judge shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm the notice or set it aside, as to him shall seem proper, or order that the said work shall be done wholly or in part,

Applications to set aside notice to municipalities to make drainage repairs

and the costs of and concerning the said motion shall be in the discretion of the referee or Judge, except as hereinafter mentioned, and may be taxed upon the County or Division Court scale, as the referee or Judge may direct.

Costs in cases of vexatious notices.

(b) Should the referee or Judge find that the notice to the council was given maliciously, or vexatiously, or without any just cause, or to remove an obstruction which, under section 588 of this Act, it was the duty of the person giving the notice to remove, he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the person giving such notice.

Costs to be a charge on the lands benefited.

(c) Any costs which the municipality may be called upon to pay, by reason of any proceedings in these clauses mentioned, shall be a charge upon the lands benefited, and may be levied and collected in the same way as the cost or expense of keeping the drain or ditch in repair are levied or collected.

Motions for mandamus.

(d) A mandamus against the municipality shall not be moved for until after the lapse of fourteen days from the date of service of the notice upon the municipality in any case.

Appeal.

(e) Any party to such proceedings may appeal to a Divisional Court of the High Court of Justice, from the decision or judgment of the Judge, upon the application, and the proceedings in and about such appeal shall be the same as nearly as may be as upon an appeal from the decision or judgment of a Judge of the County Court under chapter 47 of the Revised Statutes of Ontario, 1887, and from the decision or judgment of the referee as is provided by the 17th section of *The Drainage Trials Act, 1891*.

Upon any such appeal the Court may determine whether a mandamus shall issue or otherwise, and may make such order as will do justice in the matter.

Nothing herein shall authorize an appeal upon the mere question of costs. R. S. O. c. 184, s. 583 (2); 52 V. c. 36, s. 35.

Repair and maintenance, what deemed.

(3) The deepening, extending or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of \$200, and in every case when it exceeds that amount, proceedings shall be taken under the provisions of section 585. R. S. O. c. 184, s. 583 (3).

**584.** After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto. R. S. O. c. 184, s. 584.

Duty of minor municipalities as to repairing works.

**585.** (1) In any case wherein the better to maintain any drain constructed under the provisions of this Act, or of *The Ontario Drainage Act* and amendments thereto, or of *The Ontario Drainage Act of 1873*, or of any other Act respecting drainage works and local assessment therefor, or of *The Municipal Drainage Aid Act* or to prevent damage to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve, extend or alter the drain, or to cover any portion of said drain where it passes through a ridge of land, the council of the municipality, or of any of the municipalities whose duty it is to preserve and maintain the said drain, may, on the report of an engineer or surveyor appointed by them to examine and report on such drain, undertake and complete the alterations and improvements or extension specified in the report under the provisions of sections 569 to 582 inclusive, without the petition required by section 569, and the engineer or surveyor, Court of Revision, county judge or referee (as the case may be) shall for such alterations, improvements or extension have all the powers to assess and charge lands and roads conferred by said sections and section 590. *New.*

Power to change course of drain, make new outlet, etc. Rev. Stat. caps. 36, 37.

(2) When the engineer or surveyor reports that the covering of any portion of a drain that has been, or which may hereafter be constructed under the provisions of any of the aforesaid Acts, is necessary for the efficiency of any such drain and is necessary to the better maintaining and keeping in repair of any such drain, then in such case he shall determine the size and capacity of the proposed covered portion of said drain, and also the material to be used in the construction thereof. R. S. O. c. 184, s. 585; 53 V. c. 50, s. 36.

Covering drains.

**586.**—(1) In any case wherein after such work is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such work, whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor; it shall be the duty of the municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed. R. S. O. c. 184, s. 586 (1); 52 V. c. 36, s. 56.

Works not extended beyond municipality commencing same, etc., or which do not benefit any other municipality, to be maintained by municipality commencing same.

When work has been paid for out of funds of municipality repair may be charged on property benefited.

(2) In any case where similar work has been constructed out of the general funds of the municipality, the council may, without petition, on the report of an engineer or surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such work, and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to works made and completed under the provisions of this Act.

Assessment may be changed.

(3) The council may, from time to time, change such assessment on the report of an engineer or surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as a person charged would have in the case of an original assessment; and the said council shall appoint a Court of Revision to consider such appeals in the manner heretofore provided.

Repair and maintenance, what deemed.

(4) The deepening, extending, or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of \$200, and in every case where it exceeds that amount, proceedings shall be taken under the provisions of section 585.

Repayment of advances.

(5) In any of the cases referred to in this and the preceding sections, any moneys that have been or may hereafter be advanced by the council of any municipality out of its general funds in anticipation of the levies to be made for the purposes of the said sections, shall be recouped to the municipality so soon as the moneys derived from the assessment shall have been made. R.S.O. c. 184, s. 586 (2-5).

Application of ss. 583, 586 and 589.

Rev. Stat. Caps. 36, 37.

**587.** The provisions of sections 583, 586 and 589 of this Act shall extend to drains constructed under the provisions of *The Ontario Trackage Act*, and amendments thereto, or of *The Ontario Drainage Act, 1873*, or of *The Municipal Drainage Aid Act*, the word "assessors" being substituted as to such drains for the words "engineer or surveyor" in the fifth line of section 583. R.S.O. c. 184, s. 587.

Drains to be kept free from obstructions.

Rev. Stat. c. 36.

**588.**—(1) In the event of any ditch, drain, creek or water-course that has been constructed or opened up under the provisions of *The Ontario Drainage Act*, or any of the amendments thereto, or under the provisions of any Act respecting drainage to be paid by local rate, becoming obstructed, so that the free flow of the water is impeded thereby, if the aforementioned obstructions have been wilfully or through negligence placed in such ditch, drain, creek, or water-course, by any party or parties through whose land, or between whose lands, such ditch, drain, creek, or water-course is situate, the party or parties

causing the same shall, upon notification in writing by the council of the municipality, or an officer appointed by the council for the inspection or care of drains, remove such obstructions, and if not so removed within the time specified, the council shall, without further delay, have the same removed at the cost of the said party or parties.

(2) If such cost is not paid by the party or parties to the persons performing the same when the work is completed, the council shall pay the amount to the party performing the work ; and the clerk of the municipality shall place such amount upon the collector's roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the county in which the lands are situate, in the same manner as is provided by section 11 of *The Ditches and Watercourses Act*.

Rev. Stat. c. 220.

(3) Any person or persons who shall wilfully and intentionally obstruct, fill up or injure, any drains constructed under the provisions of any of said Acts, or wilfully or intentionally cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, embankment or work in repair, and upon conviction thereof before a Justice of the Peace, be liable to a fine of not less than \$1 nor more than \$50. R. S. O. c. 184, s. 588.

Penalty for obstructing drain.

**589.**—(1) Where the repairs, required to be made under either section 583 or section 586, are so extensive that the municipal council does not deem it expedient to levy the cost thereof in one year, the said council may pass a by-law to borrow upon the debentures of the municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

Power to borrow funds for repairs to drainage works.

(2) The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed, was published or notified in the manner provided by section 571 of this Act, or, after it was passed, was promulgated in the manner authorized by section 329 of this Act. R. S. O. c. 184, s. 589.

Rev. Stat. c. 37.

**590.** If a drain already constructed, hereafter constructed or proposed to be constructed by a municipality, is used as an outlet or will provide when constructed an outlet for the water of the lands of another municipality, or of a company or an individual, or if from the lands of any municipality, company or individual, water is by any means caused to flow upon and injure

Assessment when drain used by another municipality.

the lands of another municipality, company or individual, then the lands that use or will use such drain when constructed as an outlet either immediately, or by means of another drain from which water is caused to flow upon and injure lands, may be assessed in such proportion and amount as may be ascertained by the engineer or surveyor, Court of Revision, county judge or referee under the formalities, except the petition, provided in the foregoing sections, for the construction and maintenance of the drain so used or to be used as an outlet as aforesaid; or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow upon and injure the same. *New.*

Drainage disputes may be referred.

**591.** In case a dispute arises between municipalities, or between a company and a municipality, or between individuals and a municipality or company or between individuals, as to damages alleged to have been done to the property of the municipality, company or individual, in the construction of drainage works, or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said referee, who shall hear and determine the same and give in writing his award and decision, and his reasons therefor. 54 V. c. 51, s. 9.

Damages caused by drainage to be charged on land liable for cost of drainage. Rev. Stat. c. 36.

**592.** Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or order of any Court, or any award or order made by the referee under this Act, all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such drainage works; provided always, that if to enable the corporation to comply with any such judgment, order or award, it shall be necessary or expedient to change the course of any drain, or to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for all purposes, and in all respects be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of section 585, and all provisions of this Act applying to, or in respect of any work, alteration or improvement provided for by the said section, shall apply to any work, alteration or improvement intended to be provided for by this section. R. S. O. c. 184, s. 592.

Carrying drains into adjoining lots or across highways.

**593.** In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in

case the owner of such adjoining lot or lots, or the council of the municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet, through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Water-courses Act*. R. S. O. c. 184, s. 593.

Rev. Stat. c. 220.

**594.** Where, under the provisions of sections 569 to 632 both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made, by the municipal council so constructing, for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it. R. S. O. c. 184, s. 594.

Power to contract to spread earth, etc., on making ditch for drainage.

**595.** The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the engineer or provincial land surveyor may deem just and proper, shall be charged to the municipality and paid out of its general funds. R. S. O. c. 184, s. 595.

Payment by municipality.

**596.** Where it is necessary to construct such a ditch on a town line between two or more municipalities, the municipal council of either of the adjoining municipalities may, on petition, as provided for in section 569 of this Act, cause a ditch to be constructed on the road allowance between the municipalities, and make the road in manner as provided in the last preceding two sections of this Act, and shall charge the lands and roads benefited in the adjoining municipality or municipalities with such proportion of the cost of constructing the said ditch as the engineer or surveyor aforesaid deems just and proper; and the amount so charged for roads, or awarded by the referee, shall be paid out of the general funds of such municipality or municipalities. R. S. O. c. 184, s. 596.

Construction of ditch on town line between municipalities.

**597.** The provisions of sections 569 to 632, both inclusive, of this Act, shall apply, as far as applicable, to such ditch. R. S. O. c. 184, s. 597.

Application of ss. 569-632.

**598.**—(1) Where any works proposed to be constructed in any locality under section 569 affect more than one municipality, either on account of such works passing, or partly passing, through two or more municipalities, or on account of the

Where more than one municipality in same County affected, county council may pass by-law.

lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more townships, the county council of the county to which such municipalities belong upon the application of the council of any of the municipalities affected, and without any preliminary petition from the owners of the property to be benefited may pass by-laws for the purposes authorized by the said section.

Sections 569-574, 576, 590 and 591 to apply to work under this section.

(2) Unless where contrary to this Act the provisions of sections 569 to 574, 576, 590 and 591 shall apply to any works constructed under this section; but the Court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the county council for that purpose, who may or may not be members of the council, as the council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such Court may proceed and adjudicate upon any complaints, notwithstanding the absence of one or more of the members of the Court. The engineer or surveyor who made the assessment shall not be a member of the Court of Revision.

Where court for trial of complaints shall sit.

(3) The sittings of such Court shall be held in the county town, or in such other place or places as the county council or the majority of the said Court may name. All complaints against the assessment shall be lodged with the clerk of the county. R. S. O. c. 184, s. 598.

County to raise necessary funds, but townships to be liable for same.

**599.** The county shall raise the money necessary for the construction of the said works, but each township shall be liable to the county for the amount payable in respect of all the lands within such township, and each township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction. R. S. O. c. 184, s. 599.

Construction of works in several counties.

**600.**—(1) In case the municipalities upon which the cost of the works would fall are in several counties, any of the counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work, and estimates to be made of the cost thereof, including an estimate of the amount to be paid for damages, if any, and an assessment to be made by such engineer or surveyor of the real property to be benefited, stating, as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot.

Municipality may agree to indemnify county.

(2) Any municipality may agree to indemnify the county, in respect of the expenses incurred in the case of the works not being proceeded with. R. S. O. c. 184, s. 600.

**601.** The council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in such of the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in any one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected. R.S.O. c. 184, s. 601.

If work approved by council report to be published, and copies of plans, etc., served on warden of each county.

**602.**—(1) In case ten of the owners of the property assessed, within ten days of the first publication of the report in a newspaper published in the county town of the county the council of which procured the examination to be made, petition such council not to proceed with the work, such council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed, upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman, shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of twenty-one years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required take the oath or affirmation following:

When votes of persons assessed to be taken.

Proviso.

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty. (or Form of oath)

That you have not voted before in the township on the question now being voted upon.

That you are the owner (or as the case may be) of the lands in respect of which you claim to vote, namely (here mention the lands).

That you are, according to law, entitled to vote on the said question.

That you have not directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender.

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

That you have not directly or indirectly, paid or promised anything to any person; either to induce him to vote, or to refrain from voting.

So help you God.

(2) The clerk of each municipality shall act as deputy returning officer at the polling place in such municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law.

Deputy returning officer and proceed- ings at poll.

Who to be re- (3) The clerk of the county council which passed the by-law  
turning officer- shall act as returning officer. R. S. O. c. 184, s. 602.

Service of  
"requisition  
of appeal,"  
and effect  
thereof.

**603.**—(1) If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the council or councils of the county or counties upon which two-thirds of the cost of such work fall, shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereinafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such council that if dissatisfied with such assessment they must, within thirty days from the receipt of such notice by their warden, appeal therefrom to the referee.

Time within  
which notice  
of appeal to be  
served.

(2) If the council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the referee, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight or misadventure, may upon such terms, as to the referee seem just, relieve them, and permit them to appeal.

Proviso.

Parties on  
whom notice  
of appeal to be  
served.

(3) In case a council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within thirty days of the receipt of the requisition by their warden, serve the warden of the county from which they received the requisition with a written notice of appeal stating the grounds thereof, and shall also serve each of the other counties affected with a like notice.

[Sub-sections 4 to 7 are omitted as being inconsistent with the provisions of *The Drainage Trials Act, 1891*.

Referee to  
apportion cost  
of work.

**604.** The referee shall, by his award, determine the proportion of the cost of such work that is to be borne by each of the minor municipalities whose lands are affected thereby. R. S. O. c. 184, s. 604.

[Sec. 605 is omitted as unnecessary, see section 16 of *The Drainage Trials Act, 1891*. Sec. 606 omitted as inconsistent with said Act.]

Right of minor  
municipalities  
interested to  
appear on  
arbitration.

**607.** Any of the minor municipalities interested may appear, by their head, or by their counsel or agent, before the referee, in support of the assessment, or of any variations which

they contend should be made in the proportions in which the minor municipalities are assessed. R. S. O. c. 184, s. 607.

**608.** In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained that there is not to be an appeal, or until after the award is made, where an appeal is had. R. S. O. c. 184, s. 608.

Where several counties interested, by-laws for assessment not to be passed pending appeal.

**609.** Immediately upon an award being made, or, in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon the real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested. R. S. O. c. 184, s. 609.

After award made, or after time for appeal expired, each county to pass by-law for raising sum required.

**610.** Sections 584, 592 and 599, and sub-sections 2 and 3 of section 598 shall apply to drainage works, in which several counties are interested, as well as to works which only affect one county. R. S. O. c. 184, s. 610.

Application of ss. 584, 592, 598 (2, 3), and 599.

(a) Nothing in section 598 and subsequent sections contained shall be construed to reduce or take away the powers of any municipal council of a township, city, town or incorporated village to undertake and carry out drainage works under sections 569 to 597 (both inclusive) notwithstanding that such works affect more than one municipality. (*New.*)

Not to take away certain powers.

**611.** In case any of the drainage works hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the municipal councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in *The Railway Streets and Drains Act*. R. S. O. c. 184, s. 611.

Powers of municipalities to be subject to cap. 199.

**611a.**—In case all the owners of the property or lots abutting according to the original survey by the Crown, on the road, street or public way hereinafter mentioned to be benefited thereby, in any part of any township, petition the council for the macadamizing, gravelling, planking, or otherwise improving by approved material, and draining any road, street or public way (describing it), or building a bridge in connection therewith, the council may procure an engineer or provincial land

Power to construct roads, etc., in townships as local improvements

surveyor to make an examination of the said road, street or public way so proposed to be improved, and may procure plans and estimates to be made of the said work by such engineer or surveyor of the real property, municipalities and corporations to be benefited by such work, or the owners or occupants of which real property may or can use the same, stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every road and lot or portion of lot, and of any railway or street railway, or municipality or corporation; and if the council is of opinion that the proposed work or a portion thereof would be desirable, the council may pass by-laws:

1. For providing for the proposed work or a portion thereof being done, as the case may be.

2. For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of reference, if any, in sums of not less than \$100 each, and payable within twenty years or less from date, with interest at the rate of not less than four per cent. per annum. 54 V. c. 42, s. 38.

Certain other provisions to apply.

**611b.**—The several provisions of this Act from section 569 to section 611a, both inclusive, and the amendments thereto not inconsistent with the last preceding section, and in aid thereof shall, *mutatis mutandis*, be applicable, as far as possible, to the making and improvement of the said road, street or public way, and the drainage and other work connected therewith, in manner hereinbefore provided, as if the said several sections related to roads and the improvement thereof, so as to make the said clauses efficient for the construction of roads in substantially the same way as drains are now constructed. 54 V. c. 42, s. 39.

Exemption of property specially assessed.

**611c.**—Any real property specially assessed by any council for any local improvement or work under the two last preceding sections of this Act, may be exempted by the council in whole or in part, from any general rate or assessment for the like purpose. 54 V. c. 42, s. 40.

**611d.**—Nothing contained in sub-section 2 of section 569, sections 575, 576, 580, sub-section 1 of section 585, sections 590, 596 and 610 shall affect the costs of litigation pending at the date of the passing of this Act.

*Cost of Local Improvements. Secs. 612-628.*

By-laws for

**612.** The council of every township, city, town, and incorporated village may pass by-laws for the following purposes:

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment, or proposed scale of assessment, to the court of revision, and from the court of revision to the county judge, as is provided for by section 569 of this Act, and the proceedings thereon shall, except as otherwise provided in section 618 of this Act, be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*.

Ascertaining real property benefited by local improvements.

Appeal.

Rev. Stat. c. 193.

2. For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or watercourse, and draining any locality, or the cost of making, enlarging or prolonging any common sewer, or of opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or of curbing, sodding, or planking any street, lane, alley, square, or other public place, or in any case where a system of waterworks has been constructed by such municipality, then, for providing for the cost of the extension within the limits of such municipality of branch mains and pipes, and all other work necessary for connecting the properties of the property owners with the waterworks system of said municipality, in order to permit such property owners to receive the benefit of such waterworks; or, in any case where a system for lighting within a municipality has been constructed, or erected, by such municipality then for providing for the cost of the extension within the limits of such municipality of the poles, wires and pipes, and all other work necessary for lighting any street, square or other public place whereon the lands to be benefited thereby front or abut, or of reconstructing any work hereby provided for.

Assessing real property benefited for cost of certain works.

Extension of waterworks system.

3. For regulating the time or times and manner in which the assessment to be levied under this section are to be paid, and for arranging the terms on which parties assessed for such works or improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums.

Regulating time and manner of payment of assessment.

4. For effecting any such work or improvements as aforesaid with funds provided by parties desirous of having the same effected.

Doing work when funds furnished by parties.

(5) If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; and the council of every municipality which has not passed a by-law within and under the provisions of section 625 of this Act shall also provide, in con-

Construction of sewers, etc., in part to be provided by council.

nection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and also the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

Lands benefited to be charged with proportion of costs of certain local improvements.

(6) If the contemplated works or improvements relate to any stream, creek, or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor specially benefit any lands lying within the municipality or any road or roads lying therein or any roads therein belonging to any other municipality or corporation, then the engineer or surveyor aforesaid shall charge the lands, road or roads to be so benefited, and the municipality, corporation, person or company whose lands, road or roads, are improved with such proportion of the cost of the work or improvement as he may deem just, and the amount so charged for lands or roads, or agreed upon by arbitration shall be paid by such person or out of the general funds of the municipality, corporation or company, as the case may be, and the provisions of this Act relating to drainage so far as applicable shall apply to any such work or improvement constructed under this section. 53 V. c. 50, s. 38, *part*.

Rate to be assessed on frontage.

**613.**—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon or extending to within six feet of the street or place whereon or wherein such improvement or work is proposed to be done or made.

Provision in case of insufficient or excessive assessment.

(2). If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvement or work, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid. 53 V. c. 50, s. 38, *part*.

Assessment of costs of certain local improvements in townships.

(3) In the case of a township, any portion of which is situate within five miles of a city containing 50,000 inhabitants or more, if the council shall determine that any real property other than that fronting or abutting on the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement made or to be made is specially benefited and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the land so benefited, the council may, upon the petition of three-fourths in number of the owners representing three-fourths in value of the lands to be benefited, assess and levy the proportion of the costs chargeable against the lands benefited, and whether or not fronting or abutting upon such street, lane, alley, public way or place by frontage rate in like manner as the same would be assessed and levied in the case of lands

fronting or abutting upon the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement is made or to be made; provided, however, that instead of assessing and levying by a frontage rate, the council may by by-law provide that the cost of the local improvement therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom, instead of by a frontage rate as hereinbefore provided. (*New.*)

**614.** Nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. 53 V. c. 50, s. 38, *part.*

Preceding sections not to apply to certain works.

**615.** It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. 53 V. c. 50, s. 38, *part.*

General by-law for determining property

benefited by improvements, sufficient.

### *By Petition or on Sanitary Grounds.*

**616.**—(1) Upon the receipt of a petition praying for any of the works and improvements mentioned in the four preceding sections, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property, the council may take all proper and necessary proceedings for the execution and completion of such work or improvement with as little delay as possible.

Council to undertake works on petition of owners to be benefited.

(2) Where the word "owner" occurs in this Act in sections 569 to 629, both inclusive, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided for) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all municipal taxes on the demised property during the term of said lease, and would be liable for the taxes for the proposed improvements, and every such lessee shall have the same right

"Owner" to include certain leaseholders.

to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the property liable to be assessed therefor.

Owner not to  
petition where  
lessee may.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding sub-section, the owner of the property in fee shall not have such right, but this sub-section and sub-section two shall not apply to townships. 53 V. c. 50, s. 38, *part*.

Drains for  
sanitary pur-  
poses.

(4) If the council of any city or town upon the recommendation of the local board of health, affirms by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public interest, to construct, make, enlarge or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement it shall not be necessary for such council to give notice of the proposed assessment for such local improvement, except the notice of the sitting of the court of revision for the purpose of hearing complaints against such proposed assessment that is required by sub-section 4 of section 618 of this Act. This shall not affect or impair the powers heretofore conferred upon any municipality by special Act. 53 V. c. 50, s. 38 *part*; 54 V. c. 42, s. 26.

*On the Initiative.*

Work to be  
done and rate  
to be assessed  
on property  
benefited, ex-  
cept where  
petitioned  
against.

**617.**—(1) Any such work or improvement may be undertaken by the council and the assessment of the cost thereof made upon the properties benefited thereby, unless the majority of the owners of such real property (to be ascertained as aforesaid), representing at least one-half in value thereof, petition the council against the same, within one month after the last publication of a notice of the intention of the council to undertake the said work, such notice to be inserted in at least two newspapers published in such township, city, town or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks.

Effect of peti-  
tion against  
work.

(2) In the event of any such petition against any such proposed work or improvement, sufficiently signed, being presented to the council, no second notice for the same proposed work or improvement shall be given by the council within two years thereafter.

Determining  
number and  
value of  
property of  
petitioners.

(3) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent, may be ascertained and finally determined as aforesaid, or in such manner and by such means as are provided by by-law in that behalf.

(4) In any case when notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality pursuant to the provisions of *The Municipal Act* then in force, or any amending Act or Acts, and no petition sufficiently signed as aforesaid has been presented to the said council or to the succeeding council, against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as the authority for undertaking any such work, improvement or service, and for making such assessment or assessments, and passing all necessary by-laws whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. 53 V. c. 50, s. 38, *part*.

Completion of local improvements.

**617 (a)** Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 612 to 623 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll of the municipality, petition for or against such local improvement upon satisfying the clerk of the municipality by a statutory declaration or otherwise that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll. 54 V. c. 42, s. 41.

Local improvements.

### *Publication of Notice.*

**618.—(1)** No by-law passed by the council of any township, city, town or incorporated village, under the provisions of sections 569, 570 or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or printed, or partly written and partly printed notice of the sitting of the court of revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or the agents of such owners and lessees of each parcel of real estate included in such by-laws and assessments.

Notice may be served on owners, etc., in lieu of advertising.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the improvements, works or services, the total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice at least fifteen days before the day appointed for the

Contents of notice.

sittings of the said court, and ten days notice shall also be given by publication in some newspaper having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is for and the total amount to be assessed.

Where special rate is a frontage rate general description sufficient when by-law passed under s. 615.

(3) Where the notice of the intention of the council to undertake any work or improvement is given under the provisions of a general by-law passed under section 615, and which provides, or is intended to provide, that the special rate to be assessed therefor shall be an annual rate according to the frontage of the real property fronting or abutting upon the street or the portion of the street or the place whereon or wherein the improvement or work is proposed to be done or made, it shall be sufficient if the notice of the proposed work or improvement describes the street or place or portion thereof, whereon or wherein the work or improvement is to be done or made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary to state the value of the real property ratable therefor, or to impose a rate upon such real property by any description other than that hereinbefore mentioned.

Notice of by-law and sitting of court of revision.

(6) In such cases the council shall procure a measurement of the frontage liable to the assessment for the cost of the proposed work or improvement and of the frontages exempt from taxation, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before its final decision to undertake the said proposed work or improvement, and the council shall also cause to be inserted in a public newspaper published within the municipality or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect;

Take notice that the municipal council of the corporation of the  
intends to (*describing the work*) on

street, between (*describing the points between which the work has been or is to be made or constructed*) and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the clerk of the municipality and is open for inspection during office hours.

The estimated cost of the work is \$ \_\_\_\_\_ of which \$ \_\_\_\_\_ is to be provided out of the general funds of the municipality.

A court of revision will be held on \_\_\_\_\_ at \_\_\_\_\_ for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the court.

Dated

Clerk.

(5) There shall be the same right of appeal from any such proposed assessment to the court of revision, and from the court of revision to the county judge; as is provided in section 569 of this Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the court of revision and the county judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals.

Appeals from court of revision.

(6) The said statement, or the same as altered or varied by the court of revision or the county judge upon appeal shall be final and conclusive as to all matters therein contained. 53 V. c. 50, s. 38, *part*.

Assessment as altered on appeal to be conclusive.

#### LOANS AND ADVANCES FOR COST OF LOCAL IMPROVEMENT.

**619.**—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

Power to borrow funds for local improvements.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose.

Time for repayment of loans.

(3) If in any case a debt has been incurred by the municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement; Provided

Where special assessments irregular new assessments may be made.

Proviso.

always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

- (a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted by the council, recommending the proposed work or improvement for sanitary or drainage purposes or
- (b) On a petition of the owners of the real property ; benefited, sufficiently signed ; or
- (c) After due notice, as above provided, of the proposed assessment, and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited against the proposed assessment being presented to the council within the time limited therefor. 53 V. c. 50, s. 38, *part*.

#### ASSESSMENTS FOR LOCAL IMPROVEMENTS.

**Cost of sewers.** **620.**—(1) In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or incorporated village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street, and may include the cost of such branch drains in making the assessment or such drains or sewers, as a local improvement pursuant to the last preceding section.

Where other property receives benefit of sewer as well as that fronting on street drained.

(2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which such a sewer shall hereafter be constructed such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then and in every such case the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner provided by sections 618 and 619 of this Act. 53 V. c. 50, s. 38, *part*.

Local improvements.

(3) In case the council of such municipality is about to construct, renew or alter the character of a pavement on any street, highway or public place, or portion thereof, as a local improvement, the council may, before putting down such pavement, put in all necessary private drain connections, from any existing drain or sewer upon such street or portion thereof to the street line on each side of the drain or sewer, and also all necessary water mains, and may assess and levy the cost thereof, and of any alterations of service

pipes and stop-cocks, necessitated thereby against the particular properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 612 of this Act. 54 V. c. 42, s. 27.

(4) The council of every township, city, town and incorporated village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or improvements; but any such assessment shall be subject to appeal to the court of revision and from the court of revision to the county judge as herein provided.

Assessment of corner lots, etc., for local improvements.

(5) It shall and may be lawful for the council of any township, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passing of the by-law authorizing the refund or remission.

Refund of part of special rate for local improvements imposed on corner lots, etc.

(6) Where the lands on either side of a street, lane, or alley in a city, town or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. 53 V. c. 50, s. 38, *part*.

Determining proportion of cost of work in special cases.

(7) Real property adjoining and fronting on any park, square, public drive or boulevard shall be specially assessable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any

Assessment for boulevards, etc.

public street, but where a public park, square, drive or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally; and no petition against any such assessment shall avail to prevent the carrying out of any improvement, work or service in any such park, square, drive, or boulevard, and the making of such special assessment. 53 V. c. 50, s. 38, *part*; 54 V. c. 42, s. 28.

### BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Cost of constructing bridges or culverts and of opening and extending streets.

**621.**—(1) Where it shall, in the opinion of the council of any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements, and that all assessments made under the above provisions shall be subject to an appeal to the court of revision and from the court of revision to the county judge in like manner as in the case of other special assessments for local improvements, under the provisions of this Act.

Assessment of lands benefited not fronting on street improved.

(2) If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane or alley, the council shall determine that any real property other than that fronting or abutting on the street, lane or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited the council shall assess and levy the proportion of the cost chargeable against the lands benefited, but not fronting or abutting upon

such street, lane, or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the portion thereof whereon or wherein the improvement is made or to be made.

(3) Or in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided, and where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and levied, as for local improvements upon the real property benefited thereby as above provided.

Assessments for local improvements in townships.

(a) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal to the judge of the county court as in the case of other special assessments for local improvements. 53 V. c. 50, s. 38, *part*.

Where council declares whole municipality benefited by construction of bridge, etc.

**622.** In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. 53 V. c. 50, s. 38.

Council may permit owners to build or improve sidewalks in front of lands.

**623.** The council may permit the owner or owners of lands in any township, city, town, or incorporated village to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. 53 V. c. 50, s. 38, *part*.

Powers of county judge upon appeal.

Laying side-walks as local improvements in cities.

55 V. c. 48.

**623a.**—Whenever in cities and towns an appeal lies from the court of revision to the county court judge under sections 569 to 623 inclusive, the said county judge shall, in addition to his other powers under this Act and *The Assessment Act*, have the power to inquire and determine what other lands (if any) than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and to add such lands to the assessment, notwithstanding such lands or any part thereof may not have been specified in any notice of appeal to the said judge; and the said judge shall cause all parties to be affected by the addition to the assessment of their lands, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time. 53 V. c. 50, s. 38, *part*.

**623b.**—Notwithstanding anything contained in the preceding fourteen sections of this Act or in any by-law of the municipality, the corporation of any city or town may construct and lay down a plank sidewalk upon and along any street, lane, alley or other thoroughfare or park in the said city or town as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is in the opinion of two-thirds of the members present at any regular meeting of the city or town council desirable in the public interest. 53 V. c. 50, s. 42; 54 V. c. 42, ss. 33-34.

Property specially assessed to be exempt from general assessment for same purpose.

**624.**—(1) Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment.

(2) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the council.

(3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the council may accede to the proposal for an arbitration.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council.

(5) Where, by reason of a special assessment, the owners are exempted from a general rate, for the like purpose, as afore-

said, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality. R. S. O. c. 184, s. 624.

**624a.** Where local improvements benefiting real property have heretofore or shall hereafter be made under the provisions of the local improvement clauses of this Act the costs whereof, in whole or in part, have been charged upon or against the real property, the petitioning for or procuring to be made, or the making of any such local improvements or the charging the costs thereof upon or against the real property, or the fact that they are a charge upon or against such real property, shall not be deemed to be a breach of the covenant by a vendor or person agreeing to sell that he has done no act to encumber the real property, except to the extent that the annual or other payments in respect of such charge are in arrear, and unpaid, but this shall not affect or apply to any case already adjudicated upon or now pending in litigation. 54 V. c. 42, s. 35.

Local improvement charge and covenant against incumbrances.

**625.**—(1) The council of any township, city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 612 and 629, shall be by special assessment on the property benefited, and not exempt by law from assessment.

By-laws directing improvements to be made by local assessment.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time the exemption is to cease, is to be determined by arbitration, and the arbitrator is to be appointed by the County Judge, on the application of the council.

Repeal of by-laws.

(3) Notwithstanding anything contained in sub-section 3 of section 612, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted

Repairing and cleaning streets.

and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services. R.S.O. c. 184, s. 625.

Assessment of lands in connection with churches for local improvements.

**626.** Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land for local improvements hereafter made or to be made. 53 V. c. 55, s. 1. [*See Assessment Act, sec. 7 (3)*].

Assessment of colleges, etc.

**626a.** The buildings and grounds of and attached to a university, college or other incorporated seminary of learning, whether invested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This section does not apply to schools which are maintained in whole or in part by a legislative grant or a school tax. 53 V. c. 55, s. 5. [*See Assessment Act, sec. 7 (4)*].

Proviso.

Certain part of improvements may be charged on general rates.

**627.**—(1) In case of a special assessment on property benefited by local improvement, the council of the municipality (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment; and the council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

Provisions as to "Local Improvement Debentures."

(2) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the municipality; and the debentures being issued to pay for that part of the work payable by local assessment may, if the council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This sub-section shall be deemed declaratory of the law on and from the 5th day of March, 1880. R.S.O. c. 184, s. 627.

Assent of electors not required to by-laws for raising Municipality's share of cost of local improvements

**628.**—(1) The council of any township, city, town, or incorporated village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works, on the credit of such township, city, town or incorporated village at large; and it

shall not be necessary to obtain the assent of the electors of such township, city, town, or village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such township, city, town, or village beyond the limits thereof fixed by any Act limiting the same.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the township, city, town, or incorporated village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. R.S.O. c. 184, s. 628.

Sweeping  
lighting and  
watering  
streets.

*Sweeping, Lighting and Watering Streets.*

**629.**—(1) The council of every township, city, town and incorporated village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid. R.S.O. c. 184, s. 629 (1).

Special rate  
may be im-  
posed therefor.

Cutting grass,  
etc.

(2) The council may also, by by-law, define certain areas or sections within the municipality, in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council, in order to pay any expenses incurred in watering sweeping or lighting such streets. R.S.O. c. 184, s. 629 (2); 54 V. c. 42, s. 29.

Removal of  
snow, ice, etc

(3) The council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same.

Lighting  
water-works  
and fire  
protection.

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the side-walks, streets, lanes or alleys, in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or other obstruction. R.S.O. c. 184, s. 629, (3-4).

## DIVISION II.—TOWNSHIPS AND VILLAGES.

### *Light, Water and Fire Protection. Sec. 630.*

Election of  
fire trustees.

**630.**—(1) In addition to the powers conferred upon the councils of townships and incorporated villages by sections 612 to 628, both inclusive, of this Act, the council of any such township or village, under and subject to the provisions of the said sections, may pass by-laws providing for lighting, or for the construction of water works or for the purchase of fire engines and other appliances for the purpose of fire protection. R.S.O. c. 184, s. 630, (1); 52 V. c. 36, s. 40.

(2) The said council may, by the same or any subsequent by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also, by such by-law, make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works, fire engine and appliances. R.S.O. c. 184, s. 630, (2); 54 V. c. 42, s. 30.

(3) Sub-section 3 of section 612 of this Act, shall not apply to any works constructed under the powers by this section conferred. R.S.O. c. 184, s. 630, (3).

(4) The council of a township may also by the same or any subsequent by-law, direct in any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased, that at the then next ensuing, and at each subsequent municipal election for the municipality, three trustees, with the powers and for the purposes hereinafter mentioned, be elected for the same periods of time and in the same manner as municipal councillors are elected, provided, however, that no person shall have a vote at said election of said trustees unless he or she be the owner of real property defined by a by-law of the said municipality as real estate to be benefited by and charged with the cost of the purchase of such fire engine and appliances, and has the same qualifications as are required by this Act to enable owners of real estate to vote at municipal elections.

Proviso.

(5) The said trustees shall have the care, control and management of said fire engine and appliances. 54 V. c. 42, s. 31.

**630a.**—(1) In addition to the powers conferred upon the councils of townships by sections 612 and 628, both inclusive, and by section 630 of this Act, the council of any township, may, on the petition of two-thirds in number of the owners, representing one-half in value of the property proposed to be assessed and subject to the provisions of said sections, may pass by-laws providing for the maintenance and repair of any highway or portion thereof which has theretofore been a toll road, and has been abandoned as such, within the jurisdiction of such council, and may define by the same or any subsequent by-law what real property will be immediately benefited by the work, and is to be charged with the cost thereof, and may also declare what proportion of the cost is to be borne by the real property within the limits defined by the by-law, and what proportion shall be borne by the general funds of the township, and may also by by-law make provision for assessing and levying upon the property so defined the cost of such maintenance and repairs not provided by the township.

Maintaining and repairing highways in townships.

(2) Sub-section 3 of section 612 of this Act and section 624 shall not apply to work done under the provisions of this section. 53 V. c. 50, s. 39.

Special rates for local improvements.

### DIVISION III.—COUNTIES.

#### *Special rates by County Councils for local improvements in Townships. Secs. 631-633.*

**631.** The council of every county shall have power to pass by-laws for levying, by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more specially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any town or incorporated village. R.S.O. c. 184, s. 631.

Proceedings to obtain by-law for such improvements.

**632.** No by-law under the last preceding section shall be passed, except—

Notice to be posted up, and published for three weeks.

1. Upon a petition signed by at least two-thirds of the electors who are rated for at least one half of the value of the property within those parts of such township which are to be affected by the by-law; nor

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the

by-law is to have force, has been given for at least one month by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the county town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. R.S.O. c. 184, s. 632.

Power to pass by-laws acquiring roads, etc., lying within one or more townships, etc., and to levy special rate for improvement thereof.

**633.**—(1) A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within or adjacent to one or more townships or incorporated towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the municipalities which shall be immediately benefited by such road, bridge or public work.

Particulars which are to be stated in the by-law.

(2) Such by-law shall state the amount to be raised for such work, and shall define the municipalities forming the portion of the county municipality to be affected by the by-law, and the portion of work to be performed in each municipality, and shall provide for the raising of the said amount by the issue of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the ratable property, lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

By-law to be submitted to electors in portion of county interested.

(3) The by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of said county to be affected by said by-law who are entitled to vote on money by-laws.

By-law only to apply to those municipalities in which it has a majority of votes.

(4) In case there should be a majority of votes cast against the by-law in any one or more of the municipalities mentioned therein, although the by-law be carried, then the same shall only apply to those municipalities in which it has received a majority of the votes cast, and shall not affect the other municipalities mentioned, in any way, and the amount of money mentioned in the by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the by-law, would have been required to pay under the by-law.

By-law, if carried in some municipalities only, may be passed or dropped.

(5) In case there should be a majority of votes cast against the by-law in any one or more municipalities mentioned therein, although the by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of votes in favour of the by-law, the same may be read a third time

and passed by the county council, or dropped altogether; but in case the by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favour of the by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

(6) In all other respects the voting on the by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act.

General provisions to apply to voting, etc

(7) Cities and towns separated from the county may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free. R.S.O. c. 184, s. 633.

#### TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

*Aiding railways by taking stock, etc. Sec. 634.*

*When head of Council to be a Director ex-officio. Sec. 635*

*Aiding Railways by portions of Townships. Sec. 635a.*

*Townships may permit Railways to be constructed on highways, etc. Sec. 636.*

*Aiding Street Railways by portion of Municipality. Sec. 636½.*

*Grouping clauses repealed. Sec. 637.*

**634.** The council of every county, township, city, town and incorporated village may pass by-laws—

By-laws may be made for—

1. For subscribing for any number of shares in the capital stock of, or for lending to, or guaranteeing the payment of any sum of money borrowed by, an incorporated railway company to which section 18 of the statute 14 and 15 Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of *The Railway Act of Ontario*, have been or may be made applicable by any special Act; or to which the equivalent sections of *The Railway Act of Canada* do now or may hereafter apply; R.S.O. c. 184, s. 634 (1), 52 V. c. 36, s. 41.

Taking stock in certain railways or guaranteeing debentures. 14, 15 V. c. 51, s. 18. C. S. C. c. 66, ss. 75-78. Rev. Stat. c. 170, s. 39.

2. For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted;

For guaranteeing the payment of debentures etc.

For issuing debentures, etc.

3. For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than \$20, and bearing or not bearing interest, as the municipal council thinks meet ;

Bonuses.

4. For granting bonuses to any railway company in aid of such railway, and for issuing debentures, in the same manner as is in the preceding sub-section provided, for raising money to meet such bonuses ;

Form of debenture.

5. For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively ;

Assent of electors necessary.

But no municipal corporation shall subscribe for stock, or incur a debt or liability, for the purposes aforesaid, unless the by-law, before the final passing thereof, receives the assent of the electors of the municipality in manner provided by this Act. R.S.O. c. 184, s. 634 (2-5). See also R.S.O. Cap. 170, s. 39 (3), and sec. 320 ante.

In certain cases, head of council to be *ex officio* a director.

**635.** In case any municipal council subscribes for and holds stock in a railway company under the next preceding section to the amount of \$20,000 or upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. R.S.O. c. 184, s. 635. See also R. S. O. Cap. 170, s. 39 (4).

Aid to railways by portions of townships.

**635 (a)**—(1) In addition to the powers conferred by section 634 a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways.

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty or a majority of the freeholders in such portion of the township, being duly qualified voters under this Act.

(3) The by-law shall in each instance provide :

- (a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.
- (b) For assessing and levying upon all ratable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases. 51 V. c. 28, s. 34; 53 V. c. 50, s. 2.

**636.** The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in *The Railway Act of Ontario*, and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways, along any highway, on such terms and conditions as the council sees fit. R.S.O. c. 184, s. 636.

By-laws authorizing branch railways, tram and other railways along highways. Rev. Stat. c. 170.

**636 (a) — (1)** The majority in number of the persons shewn by the last revised assessment roll to be the owners of the real property comprised in any portion of a township, city, town or incorporated village to be defined in the petition hereinafter referred to and who represent at least one-half in value according to such assessment roll of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through or partly through or near to such portion, and may in such petition define the manner and amount of the aid desired.

Aid to street railways from portion of municipality.

**(2)** Upon receipt of such petition, the council after the assent of a majority of the ratepayers within such portion of the municipality, who are entitled to vote thereon, has been obtained, in the manner provided by this Act, may pass the by-law for the granting of such aid in accordance with the petition and for raising the amount petitioned for in the portion of the municipality mentioned in the petition, by the issue of debentures of the municipality, and for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the by-law, and for the assessing and levying upon all the ratable real property lying within the portion of the municipality defined in the by-law an

By-law to be passed by council for levying rates.

annual special rate for the repayment of the said debentures within twenty years, with the interest thereon payable yearly or half-yearly, which debentures the council, reeves and other officers of the municipality are hereby authorized to execute and issue.

Repayment of debentures and interest. (3) The principal and interest of such debentures may be made repayable by annual instalments, as provided for by section 342 of this Act, or a sinking fund may be provided for by the by-law.

Arbitration as to rate for transfer tickets where two companies operating lines in municipality. (4) In any and every case in which street railways lines are built by different duly incorporated street railway companies in the same or adjoining municipalities along different routes to the same terminal point, then in case an agreement cannot be arrived at between two such companies providing for the exchange and transfer of tickets for a continuous trip over both such lines or portion thereof, the matters in difference in respect thereof shall be referred to arbitration under the provisions of this Act. 54 V. c. 42, s. 36.

Grouping clauses in railway Acts passed on or before March 5, 1880, repealed. **637.** So much of any enactment in private and other Acts, passed on or before the 5th day of March, 1880, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared be to inoperative. R.S.O. c. 184, s. 637.

## TITLE V.—POWERS OF MUNICIPAL COUNCILS AS TO AIDING IRON SMELTING WORKS IN CERTAIN DISTRICTS.

Granting aid by way of bonus to manufactures. **637 a**—The council of every municipality within the districts of Algoma, Thunder Bay, Rainy River and Nipissing, whether established under the provisions of chapter 185 of the Revised Statutes of Ontario or of any special Act may pass by-laws :

For granting aid by way of bonus for the promotion of iron or other smelting works within its limits or within the limits of any municipality contributing aid thereto, by granting such sum or sums of money to such person or body corporate, in respect of such industry as the said municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient;

Assent of electors necessary. (a) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the

provisions of this Act in respect of by-laws for creating debts, and shall obtain the assent of one-third of all ratepayers entitled to vote as well as a majority of the ratepayers voting on such by-law.

- (b) No property owner or lessee interested in, or holding shares or stock in, any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid. Persons interested in company not to vote on by-law aiding same.
- (c) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. Security may be taken.

## PART VIII.

### POLICE VILLAGES.

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES, AND ELECTION OF.

DIV. III.—DUTIES OF POLICE TRUSTEES.

#### DIVISION I.—FORMATION OF.

*Existing Villages continued. Sec. 638.*

*New Police Villages.—how formed. Sec. 639.*

**638.** Until otherwise provided by competent authority, every existing police village shall continue to be a police village, with the boundaries now established. Existing police villages continued. R.S.O. c. 184, s. 638.

**639.** On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. New police villages. R.S.O. c. 184, s. 639.

#### DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

*Existing Trustees continued. Sec. 640.*

*Trustees three in number. Sec. 641.*

*Qualification required for. Secs. 642, 643.*

*Electors, who are. Sec. 644.*

*Election, where to be held. Secs. 645-647.*

*Returning Officer, how appointed.* Sec. 645.

*Election not to be held in a tavern.* Sec. 647.

*Nomination, how conducted.* Secs. 648-650.

*Polling, how conducted.* Secs. 651-655.

*Powers of Returning Officer.* Sec. 656.

*Tenure of Office.* Sec. 657.

*Return of Voters' lists, etc.* Sec. 658.

*Vacancies, how filled.* Sec. 659.

*Inspecting Trustees, how appointed.* Sec. 660.

**640.** The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. R.S.O. c. 184, s. 640.

**641.** The trustees of every police village shall be three in number. R.S.O. c. 184, s. 641.

**642.** The persons qualified to be elected police trustees shall be such persons as reside within the police village or within two miles thereof, and are eligible to be elected township councillors, and are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. R.S.O. c. 184, s. 642.

**643.** If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. R.S.O. c. 184, s. 643.

**644.** Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustees. R.S.O. c. 184, s. 644.

**645.** The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. R. S. O. c. 184, s. 645.

**646.** In a police village, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places within such village for holding nominations and elections. R. S. O. c. 184, s. 646.

**647.** No election of police trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. R. S. O. c. 184, s. 647.

**648.**—(1) A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the trustees.

(2) When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. R. S. O. c. 184, s. 648. Provision for Christmas day.

**649.** The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. R. S. O. c. 184, s. 649. Who to preside.

**650.** If only three candidates are proposed and seconded the returning officer or chairman shall, after a lapse of one hour, declare such candidates duly elected. R. S. O. c. 184, s. 650. If no more candidates than offices.

**651.** If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. R. S. O. c. 184, s. 651. If more, and poll demanded. Election.

**652.** The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said police village, such as is required to be furnished under the next succeeding section. R. S. O. c. 184, s. 652. Notice of persons proposed, to be posted. List of voters to be obtained,

**653.** The clerk of the township, or clerks of the townships in which any police village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at township municipal elections, in respect of real property situate, or income received in the said police village, or in the portion thereof in the municipality of such clerk, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. c. 184, s. 653. Clerk of township to furnish alphabetical list of voters.

**654.** The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. R. S. O. c. 184, s. 654. Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councillors, etc.

- 655.** In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the returning officer shall not vote at such election. R. S. O. c. 184, s. 655.
- 656.** The returning officer shall have the like powers for the preservation of the peace as are given to returning officers and deputy returning officers at municipal elections. R. S. O. c. 184, s. 656.
- 657.** The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. R. S. O. c. 184, s. 657.
- 658.** Every returning officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any Justice of the Peace for the county or union of counties in which the village lies, as to the due and correct taking of the votes. R. S. O. c. 184, s. 658.
- 659.** In case of a vacancy in the office of a police trustee by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. R. S. O. c. 184, s. 659.
- 660.** The trustees of every police village, or any two of such trustees, shall, by writing under their hands, to be filed with the clerk of the township, or in case the village lies in several townships, with the clerk of the county, appoint one of their number to be inspecting trustee. R. S. O. c. 184, s. 660.

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### DIVISION III.—DUTIES AND POWERS OF POLICE TRUSTEES.

- Oaths of office and qualification.* Sec. 661.  
*First meeting of.* Sec. 662.  
*Expenses of, how provided for.* Secs. 663-666.  
*Regulations to be enforced by Trustees.* Sec. 667.  
*Prevention of Fire.* (1-12)  
*Gunpowder.* (13, 14)  
*Nuisances.* (15)  
*Penalties.* Secs. 668-670.  
*Neglect of duty by Trustees how punishable.* Sec. 669.  
*Limitation of actions for penalties.* Sec. 670.

**661.** Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. *R. S. O. c. 184, s. 661.*

Oaths of office and qualification.

**662.** The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. *R. S. O. c. 184, s. 662.*

When first meeting to be held.

**663.** The trustees, at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. *R. S. O. c. 184, s. 663.*

Expenditure, how provided for.

**663a** The rate levied for police village purposes upon the property liable to assessment in such village by the township or townships in which the police village is situated, shall be in lieu of such proportion of the township rate now levied for the same or like purposes within such village as the trustees and the council may by agreement provide. *New.*

Rates levied in police villages.

**663b** The trustees of every police village may pass by-laws for letting contracts, or employing labour and purchasing material, for building sidewalks, culverts, putting in drains and making, repairing and improving streets, and doing all things necessary for such purposes within the limits of the police village. *New.*

Powers of trustees of police villages.

**664.** In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, as shewn by the last equalized assessment rolls. *R. S. O. c. 184, s. 664.*

Where village in two or more townships.

**665.** The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. *R. S. O. c. 184, s. 665.*

Payment of orders given by trustees etc.

**666.** No trustee shall give such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. *R. S. O. c. 184, s. 666.*

When orders may be given

Following regulations to be enforced : **667.** The trustees of every police village shall execute and enforce therein the regulations following :

*Prevention of Fire.*

- |   |   |
|---|---|
| For providing ladders, etc.                 | 1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission ; and a further penalty of \$2 for every week such omission continues.                          |
| Penalty.                                    |   |
| Fire buckets.                               | 2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of \$1 for each bucket deficient.   |
| Penalty.                                    |   |
| As to furnaces, etc.                        | 3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance.  |
| Penalty.                                    |   |
| Stove pipes, etc.                           | 4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto ; and the pipe of every stove shall be inserted into a chimney ; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of \$2. |
| Penalty.                                    |   |
| Lights in stables, etc.                     | 5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1.  |
| Penalty.                                    |   |
| Chimneys.                                   | 6. No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1.   |
| Penalty.                                    |   |
| Securing fire carried through streets, etc. | 7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence.   |
| Penalty.                                    |   |
| Lighting fires on streets. penalty.         | 8. No person shall light a fire in a street, lane or public place, under a penalty of \$1.  |
| Hay, straw, etc.                            | 9. No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there.   |
| Penalty.                                    |   |
| Ashes, etc.                                 | 10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel,  |

box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1. Penalty.

11. No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire. Lime.  
Penalty.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of \$5. Charcoal  
furnaces.  
Penalty.

### *Gunpowder.*

13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence. Gunpowder,  
how to be  
kept.  
Penalty.

14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence. Not to be sold  
at night.  
Penalty.

### *Nuisances.*

15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him R. S. O. c. 184, s. 667. Certain  
nuisances  
prohibited.

### *Penalties.*

**668.** The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a Justice of the Peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be no such Justice then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply Who to sue  
for penalties  
  
And before  
whom.  
  
Conviction  
and levy of  
penalty.

the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. R. S. O. c. 184, s. 668.

Penalty for  
breach of duty  
by trustees.

**669.** Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of \$5. R. S. O. c. 184, s. 669.

When prosec-  
utions to be  
commenced.

**670.** The penalties prescribed by the next preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. R. S. O. c. 184, s. 670.

### CONFIRMING AND SAVING CLAUSES.

Exceptions  
from repeal.

Boundaries of  
cities and  
towns.

Amherst-  
burgh.

Proclama-  
tions.

Special Acts.

**671.** Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers 2, 3, 4, 6, 7, 8, 9, 10 and 11, and Schedule C of the same Act, numbers 1, 2 and 3, and Schedule B of the Act of 1850, numbers 1, 5, 12, 13, 14 and 15; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburgh, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. R. S. O. c. 184, s. 671.

50 V., c. 2, to  
apply to Act.

**671(a).** The Act entitled *An Act respecting the Revised Statutes of Ontario, 1887*, passed in the fiftieth year of Her Majesty's reign, chaptered 2, from section 7 to section 10 thereof, both inclusive, shall in so far as the same may be applicable and unless where inconsistent with this Act, apply hereto. 53 V. c. 50, s. 45.

Rev. Stat. c.  
185, not  
affected.

**672.** Nothing herein contained shall affect *the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River*. R. S. O. c. 184, s. 672.

**673.** Sections 39 and 41 of *The Municipal Amendment Act, 1888*, sections 43 and 45 of *The Municipal Amendment Act, 1889* and section 42 of *The Municipal Amendment Act, 1891*, are repealed.

51 V. c. 28, ss. 39 and 41, 53 V. c. 36, ss. 43 and 45, and 54 V. c. 42, s. 42 repealed.

**674.** The Acts and parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of Ontario, excepting special Acts which have been enacted to confer specific powers on certain municipalities are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.—*New.*

Inconsistent enactments repealed. Exception.

**675.** In case of there being found to be any conflict between any provision in this Act and any provision in *The Municipal Amendment Act, 1892*, the former is to be deemed to be the provision in force, and the inconsistent provision in the amendment Act is to be construed as repealed.

Inconsistent provisions in 55 V. c. 43.

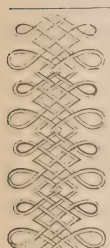
## SCHEDULE A.

(Section 123.)

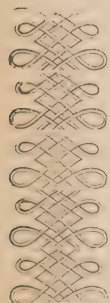
### FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

#### FORM FOR MAYOR.


 Election for the Members of the Municipal Council of the City of _____, Ward No. _____, Polling Subdivision No. _____, day of January, 18 ____	FOR MAYOR.	<b>ALLAN.</b> Charles Allan, King Street, City of Toronto, Merchant.
		<b>BROWN.</b> William Brown, City of Toronto, Banker.

#### FORM FOR ALDERMAN.


 Election for the Members of the Municipal Council of the City of _____, Ward No. _____, Polling Subdivision No. _____, day of January, 18 ____	FOR ALDERMAN.	<b>ARGO.</b> James Argo, City of Toronto, Gentleman.
		<b>BAKER.</b> Samuel Baker, City of To- ronto, Baker.
		<b>DUNCAN.</b> Robert Duncan, City of To- ronto, Printer.

(2. In the case of Towns divided into Wards.)

FORM FOR MAYOR, REEVE AND DEPUTY REEVE.

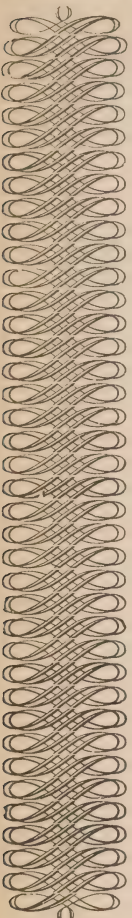
 Election for the Members of the Municipal Council of the Town of _____, Ward _____ No. _____, Polling Subdivision No. _____ day of January, 18 ____	FOR MAYOR.	<b>THOMPSON.</b> <b>X</b> Jacob Thompson of the Town of Barrie, Merchant.
		<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.
	FOR REEVE (if any).	<b>BROWN.</b> John Brown, of the Town of Barrie, Merchant.
		<b>ROBINSON.</b> <b>X</b> George Robinson, of the Town of Barrie, Merchant.
	FOR DEPUTY REEVE (if any).	<b>ARMOUR.</b> Jacob Armour, of the Town of Barrie, Pumpmaker.
		<b>BOYD.</b> <b>X</b> Zachary Boyd, of the Town of Barrie, Tinsmith.

FORM FOR COUNCILLORS.

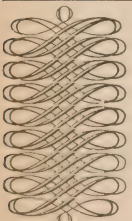
 Election for the Members of the Municipal Council of the Town of _____, Ward _____ Subdivision No. _____ day of January, 18 ____	FOR COUNCILLOR.	<b>BULL.</b> <b>X</b> John Bull, of the Town of Barrie, Butcher.
		<b>JONES.</b> Morgan Jones, of the Town of Barrie, Grocer.
		<b>McALLISTER.</b> Allister McAllister, of the Town of Barrie, Tailor.
		<b>O'CONNELL.</b> <b>X</b> Patrick O'Connell, of the Town of Barrie, Milkman.

(3. In the case of Townships divided into Wards.)


FORM FOR COUNCILLORS.

	Election of Members of the Municipal Council of the Township of _____, in the County of _____, Ward No. _____, day of January, 18 _____.	FOR COUNCILLOR.	<b>BULL.</b> John Bull, of the Township of York, Doctor of Medicine.
			<b>JONES.</b> Morgan Jones, of the Township of York, Farmer.
			<b>McALLISTER.</b> Allister McAllister, of the Township of York, Farmer.
			<b>O'CONNELL.</b> Patrick O'Connell, of the Township of York, Lumber Merchant.
			<b>RUAN.</b> Malachi Ruan, of the Township of York, Farmer.
			<b>SCHULTZE.</b> Gottfried Schultze, of the Township of York, Farmer.
			<b>WASHINGTON.</b> George Washington, of the Township of York, Gentleman.

FORM FOR REEVE.

	Election of Members of the Municipal Council of the Township of _____, in the County of _____, Ward No. _____, day of January, 18 _____.	FOR REEVE.	<b>BARDELL.</b> Thomas Bardell, of the Township of Peel, Yeoman.
			<b>SNODGRASS.</b> Alfred Snodgrass, of the Township of Peel, Yeoman.

(4. *In the case of Incorporated Villages and Townships not divided into Wards.*)

	, in the County of	
	, in the County of	
Election of Members of the Municipal Council of the Village (or Township of	FOR REEVE.	<b>BROWN.</b> John Brown, of the Village of Weston, Merchant.
		<b>ROBINSON.</b> George Robinson, of the Village of Weston, Physician.
, Polling subdivision No.	FOR DEPUTY REEVE. (if any).	<b>ARMOUR.</b> Jacob Armour, of the Village of Weston, Pumpmaker.
		<b>BOYD.</b> Zachary Boyd, of the Village of Weston, Tinsmith.
day of January, 18 .	FOR COUNCILLOR.	<b>BULL.</b> John Bull, of the Village of Weston, Butcher.
		<b>JONES.</b> Morgan Jones, of the Village of Weston, Grocer.
		<b>McALLISTER.</b> Allister McAllister, of the Village of Weston, Tailor.
		<b>O'CONNELL.</b> Patrick O'Connell, of the Village of Weston, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, etc.

R. S. O. c. 184, Sched. A.

## SCHEDULE B.

(Sections 126 and 146.)

### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or Returning Officer, as the case may be*) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or Returning Officer, as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or Returning Officer, as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

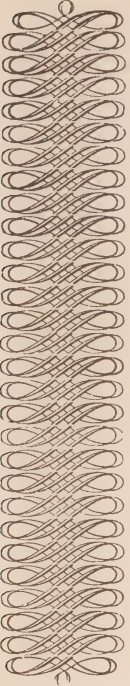
If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

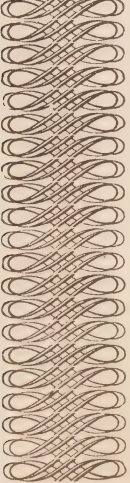
If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

*In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON and ROBERT WALKER; for Reeve, JOHN BROWN and GEORGE ROBINSON; for Deputy Reeve, JACOB ARMOUR and ZACHARY BOYD; and for Councillors, JOHN BULL, MORGAN JONES, ALLISTER McALLISTER and PATRICK O'CONNELL; and the elector has marked the first paper in favour of JACOB THOMPSON for Mayor, GEORGE ROBINSON for Reeve, and ZACHARY BOYD for Deputy Reeve, and has marked the second paper in favour of JOHN BULL and PATRICK O'CONNELL for Councillors:*

— — — — —

 Election for the Members of the Municipal Council of the Town of Polling Subdivision No. Ward No.                      day of January, 18	<i>FOR MAYOR.</i>	<b>THOMPSON.</b> Jacob Thompson, of the Town of Barrie, Merchant.	X
		<b>WALKER.</b> Robert Walker, of the Town of Barrie, Physician.	
	<i>FOR REEVE (if any).</i>	<b>BROWN,</b> John Brown, of the Town of Barrie, Merchant.	
		<b>ROBINSON.</b> George Robinson, of the Town of Barrie, Merchant.	X
	<i>FOR DEPUTY REEVE (if any).</i>	<b>ARMOUR.</b> Jacob Armour, of the Town of Barrie, Pumpmaker.	
		<b>BOYD.</b> Zachary Boyd, of the Town of Barrie, Tinsmith.	X

 Election for the Members of the Municipal Council of the Town of Polling Subdivision No.                      Ward No. day of January, 18	<i>FOR COUNCILLOR.</i>	<b>BULL.</b> John Bull, of the Town of Barrie, Butcher.	X
		<b>JONES.</b> Morgan Jones, of the Town of Barrie, Grocer.	
		<b>McALLISTER.</b> Allister McAllister, of the Town of Barrie, Tailor.	
		<b>O'CONNELL.</b> Patrick O'Connell, of the Town of Barrie, Milkman.	X

## SCHEDULE C.

(Sections 129, 130, 131, 132 and 303).

FORM IN WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

[illegible]

NOTE.—In Cities, the column above headed "Mayor;" and the column above headed "Councillors," will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."  
R. S. O. c. 184; 54 V. c. 42, s. 3. *Sched. C.*

## SCHEDULE D.

(Section 135.)

## CERTIFICATE AS TO ASSESSMENT ROLL.

*Election to the Municipal Council of the*  
*of* 18 .

I, A. B., Clerk of the Municipality of , in the County  
 of , do hereby certify that the assessment roll for this  
 Township (or as the case may be) of upon which the voters'  
 list to be used at this election is based, was returned to me by the Assessor  
 for said Township (or as the case may be) on the day of  
 , 18 , and that the same was finally revised and cor-  
 rected on the day of , 18 .

Dated this day of , 18 .

A. B.,  
*Clerk.*

R. S. O. c. 184, *Sched. D.*

## SCHEDULE E.

(Section 149.)

## FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, A. B., of , being numbered on the voters' list, for  
 polling subdivision No. , in the City (or as the case may be) of  
 and County of , being a legally qualified elector for the said City  
 (or as the case may be) of , do hereby declare that I am unable to  
 read (or that I am from physical incapacity unable to mark a voting paper,  
 as the case may be).

(A. B. His X mark.)

The day of , A. D. 18 .

R. S. O. c. 184, *Sched. E.*

## SCHEDULE F.

(Section 149.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE  
DECLARATION OF INABILITY TO READ, ETC.

I, C. D., the undersigned, being the Deputy Returning Officer for poll-  
 ing subdivision No. , for the City (or as the case may be) of , do  
 hereby certify that the above (or as the case may be) declaration, having  
 been first read to the above-named A. B., was signed by him in my pre-  
 sence with his mark.

(Signed) C. D.,

Deputy Returning Officer for Polling Sub-  
 Division No. , in the City (or  
 as the case may be) of

Dated this day of , A. D. 18 .

R. S. O. c. 184, *Sched. F.*

# SCHEDULE G.

(Sections 155, 315 and 316.)

## OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. \_\_\_\_\_, of the City (or as the case may be) of \_\_\_\_\_, in the County of \_\_\_\_\_, do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. \_\_\_\_\_ of the said City (or as the case may be) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) *C. D.*,  
Deputy Returning Officer.

Sworn (or affirmed) before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

(Signed) *X. Y.*,  
Justice of the Peace.

Or *A. B.*,  
Clerk of the Municipality of \_\_\_\_\_.

NOTE.—The foregoing oath is to be annexed to the voters' list used at the election.

R. S. O. c. 184, Sched. G.

# SCHEDULE H.

(Section 170.)

## FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (or as the case may be) of \_\_\_\_\_, disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

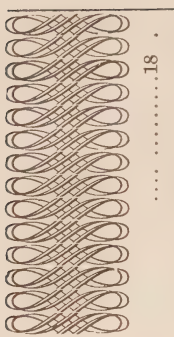
*C. D.*,  
Justice of the Peace (or Clerk  
of the Municipality of \_\_\_\_\_).

R. S. O. c. 184, Sched. H.

SCHEDULE J.

(Section 295.)

FORM OF BALLOT PAPER.

	<p>FOR</p> <p>The By-law.</p>
	<p>AGAINST</p> <p>The By-law.</p>

R. S. O. c. 184, Sched. J.

SCHEDULE K.

(Sections 298 and 300.)

I, the undersigned, *A. B.*, solemnly declare that I am a ratepayer of the Township (or as the case may be) of (*The Municipality the Council of which proposed the By-law*), and that I am desirous of promoting (or opposing, as the case may be) the passing of the By-law to (*here insert object of the By-law*), submitted to the Council of said Township (or as the case may be).

(Signature) *A. B.*

Made and declared before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

*C. D.*,  
Head of Municipality.

R. S. O. c. 184, Sched. K.

SCHEDULE L.

(Section 307).

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus **X**) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, as the case

may be) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer, (or Returning Officer, as the case may be), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law :

	<p>18 ..... Voting on By-law to (here insert object of the By-law) submitted to the Council of the</p>	<table border="1"> <tr> <td data-bbox="378 589 637 725"> <p><b>FOR</b></p> <p>The By-law.</p> </td> <td data-bbox="647 589 818 725"> <p><b>X</b></p> </td> </tr> <tr> <td data-bbox="378 742 637 854"> <p><b>AGAINST</b></p> <p>The By-law.</p> </td> <td data-bbox="647 742 818 854"></td> </tr> </table>	<p><b>FOR</b></p> <p>The By-law.</p>	<p><b>X</b></p>	<p><b>AGAINST</b></p> <p>The By-law.</p>	
<p><b>FOR</b></p> <p>The By-law.</p>	<p><b>X</b></p>					
<p><b>AGAINST</b></p> <p>The By-law.</p>						

R. S. O. c. 184, Sched. L.

## SCHEDULE M.

(Section 322.)

### FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (or as the case may be) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same ; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_.

C.D.,  
Justice of the Peace (or Clerk  
of the Municipality of \_\_\_\_\_)

\_\_\_\_\_.  
R. S. O. c. 184, Sched. M.



# AN ACT

TO CONSOLIDATE THE

## ACTS RESPECTING THE ASSESSMENT OF PROPERTY

BEING CHAPTER 48 OF 55 VICTORIA.

[Assented to April 14th, 1892.]

PRELIMINARY PROVISIONS, ss. 1-5.	Deed to be valid if sale valid though statute authorizing it be repealed, s. 190.
PROPERTY LIABLE TO TAXATION, ss. 6-11.	Right of entry adverse to purchaser in possession not to be conveyed, s. 191.
Exemptions, s. 7.	Right to improvements when sale void, s. 192 (1).
ASSESSORS :	Option of purchaser to retain land on paying its value s. 192 (2).
Appointment, ss. 12-13.	Payment into Court, ss. 193-196.
Duties of Assessors, ss. 14, 14a, 14b, 14c.	Costs when value of land and improvements alone in question, s. 197.
Mode of assessing real property, ss. 15-30.	Lien of tax purchaser for purchase money when title invalid, s. 198.
Mode of assessing personal property, ss. 31-41.	Contracts between tax purchaser and original owner continued, s. 199.
General provisions, ss. 42-51.	Application of sections 190-200 limited, ss. 200, 201.
Special provisions, ss. 52-54.	Interpretation, s. 202.
APPEALS :	DEFICIENCY FROM NON-PAYMENT TO BE MADE UP BY MUNICIPALITY IN CERTAIN CASES, s. 203.
To Court of Revision, ss. 55-67.	ARREARS IN CITIES AND TOWNS, ss. 204, 205.
To County Judge, ss. 68-76.	ARREARS IN NEW MUNICIPALITIES, ss. 206-209.
By non-residents, s. 77.	NON-RESIDENT LAND FUND, ss. 210-221.
CERTIFIED COPY OF ASSESSMENT ROLL TO BE EVIDENCE, s. 66.	ARREARS TO FORM ONE CHARGE ON LAND, s. 222.
EQUALIZATION OF ASSESSMENTS, ss. 78-86.	RESPONSIBILITY OF OFFICERS, ss. 223-250.
STATUTE LABOUR, ss. 87-118.	MISCELLANEOUS, ss. 251-253.
COLLECTION OF RATES :	
Appointment of collectors, ss. 12, 13.	
Collectors' roll, ss. 119-121.	
Collectors' duties, ss. 122-137.	
LIST OF LANDS GRANTED, ETC., BY THE CROWN, ss. 138, 139.	
ARREARS OF TAXES :	
Duties of treasurers, clerks and assessors, ss. 140-159.	
Sale of lands for taxes, ss. 160-172.	
Certificate of sale and deed, ss. 173-188.	
Deed binding unless questioned within two years, s. 189.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

### PRELIMINARY PROVISIONS.

1. This Act may be cited as "*The Consolidated Assessment* Short title. *Act, 1892.*"

Interpretation clause. 2. Where the words following occur in this Act or the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Gazette." 1. "Gazette" shall mean the *Ontario Gazette*;

"Township." 2. "Township" shall include a union of townships, while such union continues;

"County Council." 3. "County Council" shall include provisional county council;

"Town." 4. "Town" and "Village" shall mean respectively incorporated town and village;

"Ward." 5. "Ward," unless so expressed, shall not apply to a township ward;

"Municipality." 6. "Municipality" shall not include a county;

"Local municipality." 7. "Local municipality" shall mean and include a city, town, incorporated village or township, as the case may be;

"Property." 8. "Property" shall include both real and personal property as hereinafter defined;

"Land,"  
"Real Property,"  
"Real Estate." 9. "Land," "Real Property," and "Real Estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and land covered with water, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty;

"Personal Estate,"  
"Personal Property." 10. "Personal Estate" and "Personal Property" shall include all goods, chattels, interest on mortgages, dividends from bank stock, dividends on shares or stocks of other incorporated companies, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. R. S. O. 1887, c. 193, s. 2 (1-10).

[Sub-sections 11 to 15 repealed. See 51 V. c. 29, s. 11 (2)].

"Last revised assessment roll." 16. "Last revised assessment roll" shall mean the last revised assessment roll of a local municipality. R. S. O. 1887, c. 193, s. 2 (16).

"List of voters." 17. "List of voters" shall mean the alphabetical list referred to in section 3, of *The Ontario Voters' Lists Act, 1889*. R. S. O. c. 193, s. 2 (17); 52 V. c. 40, s. 8 (1).

Unoccupied land to be denominated "lands of non-residents," unless owner is domiciled in municipality or requires his name to be entered on roll. 3. Unoccupied land shall be denominated "Lands of non-residents," unless the owner thereof has a legal domicile or place of business in the local municipality where the same is situate, or gives notice in writing setting forth his full name, place of residence and post-office address, to the clerk of the municipality, on or before the 20th day of April in each year, that he owns such land, describing it, and requires his name to

be entered on the assessment roll therefor, which notice may be in the form or to the effect of Schedule A to this Act; and the clerk of the municipality shall, on or before the 25th day of April in each year, make up and deliver to the assessor or assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them. It shall not be necessary to renew such notice from year to year, but the notice shall stand until revoked, or until the ownership of the property shall be changed. R. S. O. 1887, c. 193, s. 3.

4.—(1) When the name of any owner of such unoccupied land shall not have been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled to apply to the Court of Revision to have the same so entered, whether the notice in the preceding section mentioned has or has not been given, and the Court may order the name to be entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided;

Owner may apply to have his name entered on roll whether notice given or not.

(2) Or such owner or his agent shall be entitled, within the time allowed by law for other applications in that behalf, to apply to the Judge to have the name of such owner entered upon the voters' lists, whether such notice has or has not been given; and the Judge may direct that the same be so entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided. R. S. O. 1887, c. 193, s. 4.

5. The real estate of all railway companies shall be considered as lands of residents, although the company has not an office in the municipality; except in cases where a company ceases to exercise its corporate powers, through insolvency or other cause. R. S. O. 1887, c. 193, s. 5.

Real estate of Railway Companies.

#### PROPERTY LIABLE TO TAXATION.

6. All municipal, local or direct taxes or rates, shall, where no other express provision has been made in this respect, be levied equally upon the whole ratable property, real and personal, of the municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions. R. S. O. 1887, c. 193, s. 6.

All taxes to be levied equally upon the ratable property, when no other provision made.

7 All property in this Province shall be liable to taxation, subject to the following exemptions, that is to say:

Taxable property and exemptions.

#### *Exemptions.*

1. All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and

All property belonging to Her Majesty.

Indian lands also all property vested in or held by Her Majesty, or any unoccupied, or other person or body corporate, in trust for, or for the use of occupied officially. any tribe or body of Indians, and either unoccupied, or occupied by some person in an official capacity.

But if occupied not officially. 2. Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable. R. S. O. 1887, c. 193, s. 7 (1-2).

Assessment of lands in connection with churches for local improvements. 3. Every place of worship, and land used in connection therewith, churchyard or burying ground. Provided however that land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed in the same way and to the same extent as other land, for local improvements, hereafter made or to be made. R. S. O. 1887, c. 193, s. 7 (3); 53 V. c. 55, s. 1; *See* R. S. O. c. 175, s. 13.

Public educational institutions. 4. The buildings and grounds of and attached to every university, college, high school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied. Provided however that the buildings and grounds of and attached to a university, college, or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements hereafter made or to be made. This proviso does not apply to schools which are maintained in whole or in part by a legislative grant or school tax. 53 V. c. 55, s. 3.

Town and City halls, etc. 5. Every public school house, town or city or township hall, court house, gaol, house of correction, lock-up house and public hospital, with the land attached thereto, and the personal property belonging to each of them.

Public roads, etc. 6. Every public road and way or public square.

Municipal property. 7. The property belonging to any county or local municipality, whether occupied for the purposes thereof or unoccupied; but not when occupied by any person as tenant or lessee, or otherwise than as a servant or officer of the corporation for the purposes thereof.

Provincial Penitentiary. 8. The Provincial Penitentiary, the Central Prison and the Provincial Reformatory, and the land attached thereto.

Poor houses, etc. 9. Every industrial farm, poor house, alms house, orphan asylum, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

10. The property of every public library, mechanics' institute and other public, literary or scientific institution, and of every agricultural or horticultural society, if actually occupied by such society. And all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the council of the corporation in which such lands and buildings are situated consents to such exemption. R. S. O. 1887, c. 193, s. 7 (1-10) ; 51 V. c. 29, s. 2.

Scientific institutions, etc

11. The personal property and official income of the Governor-General of the Dominion of Canada, and the official income of the Lieutenant-Governor of this Province.

Personal property of Governors.

12. The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's regular Army or Navy in actual service, while occupied by them, and not exceeding \$2,000 in value, and the full or half-pay of any one in either of such services; and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, and the personal property of any person in such Naval or Military services, on full pay, or otherwise in actual service.

Land occupied by military or naval officers and their pay salaries, pensions, etc.

Property of officers on full pay.

13. All pensions of \$200 a year and under payable out of the public moneys of the Dominion of Canada, or of this Province.

Pensions under \$200.

14. All grain, cereals, flour, live or dead stock, the produce of the farm or field, in store or warehouse, and at any time owned or held by or in the possession of any person in any municipality, such person not being the producer thereof, and being so held, owned or possessed solely for the *bona fide* purpose of being conveyed by water or railway for shipment or sale at some other place. R. S. O. 1887, c. 193, s. 7 (11-14).

Grain, etc., in transitu.

14a. All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, and when such owner or tenant is carrying on the general business of farming or grazing. 51 V. c. 29, s. 3,

Horses, cattle, sheep and swine exempt from taxation.

15. The income of a farmer derived from his farm, and the income of merchants, mechanics, or other persons derived from capital liable to assessment.

Incomes of farmers, etc.

16. So much of the personal property of any person as is invested in mortgage upon land, or is due to him on account of the sale of land, the fee or freehold of which is vested in him, or is invested in the debentures of the Dominion of Canada or of this Province, or of any municipal corporation thereof, and such debentures.

Personal property secured by mortgage, or Provincial or Municipal debentures.

17. The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province; but any interest, dividends or income derived from any

Dividends only of Bank Stock to be assessed.

such shares held by any person resident in this Province shall be deemed to come within and to be liable to assessment under section 31 of this Act.

Stock in companies.

18. The stock held by any person in any incorporated company, whose personal estate is liable to assessment in this Province.

Railroad and building Society stock.

19. The stock held by any person in any railroad company, the shares in building societies, and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate; but the interest and dividends derived from shares in such building societies, or from investments in such companies as aforesaid, shall be liable to be assessed.

Personal property owned out of the Province.

20. All personal property which is owned out of this Province, except as hereinafter provided.

Personal property equal to debts due.

21. So much of the personal property of any person as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or are unpaid on account of the purchase money therefor.

Personalty under \$100.

22. The net personal property of any person; provided the same is under \$100 in value.

Personal earnings not exceeding \$700.

23. The annual income of any person derived from his personal earnings to the amount of \$700.

Income up to \$400.

24. The annual income of any person to the amount of \$400 derived from any source other than personal earnings. R. S. O. 1887, c. 193, s. 7 (15-24).

Proviso.

24a. Provided nevertheless that no person shall be exempted for or in respect of income for a sum greater than \$700, whether derived from personal earnings or from other sources of income, or from the two combined.

*(Sub-sec. 25 repealed, see 53 V. c. 55, s. 2.)*

Rental of real estate, etc.

26. Rental or other income derived from real estate, except interest on mortgages.

Household effects, books, etc.

27. Household effects of whatever kind, books and wearing apparel.

Vessels.

28. Vessel property of the following description, namely: steamboats, sailing vessels, tow barges and tugs; but the income earned by or derived through, or from any such property shall be liable to be assessed. R. S. O. 1887, c. 193, s. 7 (26-28).

Assessment of farm lands in towns and villages, etc.

7a—(1) In any town or incorporated village in which there are lands held and used as farm lands only, and in blocks of not less than five acres by any one person, such lands shall be assessed as farm lands.

(2) When such lands are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or incorporated village shall annually at least two months before striking the rate of taxation for the year, pass a by-law declaring what part or parts of the said lands so held and used as farm lands only, shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for water works, the making of sidewalks, the construction of sewers or the lighting and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements. Provided nevertheless that nothing in this sub-section contained shall exempt or relieve any lands therein mentioned from the general rate for the payment of any debenture debt contracted before the passing of this Act or that may be renewed in whole or in part.

Exemption of farm lands in towns and villages from assessment for certain improvements.

Proviso.

(3) Any person claiming such exemption in whole or in part shall notify the council of the municipality thereof within one month after the time fixed by law for the return of the assessment roll, and shall by some intelligible description indicate the land and quantity as nearly as may be in respect of which exemption is claimed.

Person claiming exemption to notify council.

(4) Any person complaining that the said by-law does not exempt or sufficiently exempt him or his said farm lands from taxation as aforesaid, may within 14 days after the passing thereof notify the clerk of the municipality of the intention to appeal against the provisions of such by-law or any of them to the judge of the county court who shall have full power to alter or vary any or all of the provisions of the said by-law, and determine the matter of complaint in accordance with the spirit and intent of the provisions of this section.

Appeals from by-laws to county judge.

(5) The provisions of sub-sections 3, 4, 5 and 6 of section 68 and sections 69 to 74 inclusive, relating to appeals from a court of revision to the county judge and the amendment of the assessment roll thereon, shall so far as applicable, regulate and govern the procedure to be followed upon appeals to the county judge under this section and the amendment of the by-law thereon.

Procedure upon appeals to county judge.

(6) Nothing in the last two preceding sub-sections contained, shall be deemed to prevent or affect the right of appeal to the county judge from the decision of a court of revision upon any appeal against an assessment.

Appeals from court of revision not affected.

8. Where any person derives from some trade, office, calling or profession, an income which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, but if he thinks fit, he may require his name to be entered in the assessment roll for such income, for

The case of income exempted from assessment.

the purpose of being entitled to vote at elections for municipal councils, and such income shall in such case be liable to taxation like other assessable income or property, and it shall be the duty of the assessor to enter the name of such person in the assessment roll. R. S. O. 1887, c. 193, s. 8. 51 V. c. 4, s. 3.

Realty within, but owned out of Ontario to be assessable.

**9.** All real property situate within, but owned out of the Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of this Act. R. S. O. 1887, c. 193, s. 9.

Personalty in control of agent for non-resident owner assessable.

**10.** All personal property within the Province in the possession or control of any agent or trustee for, or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner, and subject to the like exemption as in the case of the other personal property of the like nature under this Act. R. S. O. 1887, c. 193, s. 10.

Exemption of certain officers of Superior Courts abolished as to future appointments.

**11.** The exemption to which certain officers connected with the Superior Courts were, at the time of their appointment, and on the 5th day of March, 1880, entitled by Statute, in respect of their salaries, is abolished as respects all persons appointed by the Lieutenant-Governor to such offices after the said 5th day of March, 1880, or hereafter, and continues in respect of such officers only as were appointed before that date. R. S. O. 1887, c. 193, s. 11.

#### APPOINTMENT OF ASSESSORS AND COLLECTORS.

[See also R. S. O. 1887, cap. 184, ss. 254-257.]

Assessors and collectors to be appointed.

**12.**—(1) The council of every municipality, except counties shall appoint such number of assessors and collectors for the municipality as they may think necessary, but no assessor or collector shall hold the office of clerk or treasurer. R. S. O. 1887, c. 193, s. 12.

(2) No person attainted or convicted of any treason or felony, or convicted of any infamous crime, unless he has obtained a free pardon or served the term of imprisonment or paid the penalty imposed under the sentence, and no person who is under outlawry shall be qualified to act as assessor or collector.

Municipality may be divided into assessment districts.

**13.** Such councils may assign to such assessors and collectors the assessment district or districts within which they shall act, and may prescribe regulations for governing them in the performance of their duties. R. S. O. 1887, c. 193, s. 13.

#### DUTIES OF ASSESSORS.

Assessment rolls, their form, contents, etc.

**14.**—(1) The assessor or assessors shall prepare an assessment roll, in which, after diligent inquiry, he or they shall set down according to the best information to be had—

1. The names and surnames in full, if the same can be as- Names of  
certained, of all taxable persons resident in the municipality residents.  
who have taxable property therein, or in the district for which  
the assessor has been appointed ;

2. And of all non-resident owners who have given the Of non-resi-  
notice in writing mentioned in section 3, and required their dents.  
names to be entered in the roll ;

3. The description and extent or amount of property assess- Property  
able against each. assessable.

(2) In the case of every township, town or incorporated village, it shall also be the duty of the assessor or assessors, Inquiry as to  
when making the annual assessment, to inquire of each resi- births and  
dent taxable party whether there has been a birth or death in deaths.  
the family within the previous twelve months, and if either,  
whether the same has been registered or not ; if it has not been  
registered the assessor shall put the figure 1 opposite the name,  
in the column headed " Birth " or " Death," as the case may be ;  
if registered the letter " R " in the column (28) set apart for  
" Registered."

(3) The assessor shall set down the particulars in separate Further par-  
columns as follows: ticulars.

Column 1.—The successive number on the roll.

Column 2.—Name (surname first) and post office address  
of taxable party.

Column 3.—Occupation, and in the case of females, a statement  
whether the party is a spinster, married woman, or widow, by  
inserting opposite the name of the party the letter " S," " M "  
or " W," as the case may be. R. S. O. 1887, c. 193, s. 14 (1-3),  
(col. 1-3).

Column 4.—Statement whether the party is a freeholder,  
or tenant, by inserting opposite the name of the party the  
letter " F." or " T." as the case may be ; and where the party  
is entitled to be entered on the roll as qualified to vote under  
*The Manhood Suffrage Act*, there shall also be inserted  
opposite his name in said column the letters " M. F." meaning 51 V. c. 4.  
thereby " Manhood Franchise," and all such names shall be  
numbered, and where the party is within the meaning of *The*  
*Municipal Act*, a " farmer's son," there shall also be similarly  
inserted the letters " F. S." 51 V. c. 29, s. 11 (3); 51 V. c. 4,  
s. 11 (1).

Column 5.—The age of the assessed party.

Column 6.—Name and address of the owner, where the party  
named in column 2 is not the owner.

Column 7.—School section, and whether public or separate  
school supporter.

Column 8.—Number of concession, name of street, or other  
designation of the local division in which the real property lies,  
or residence, in the case of manhood suffrage voters.

[See Sec. 14b, sub-sec. 6.]

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres, or other measure shewing the extent of the property.

Column 11.—Number of acres cleared, *or*, in cities, towns or villages, whether vacant or built upon.)

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labour (in case of male persons from twenty-one to sixty years of age), and number of days' labour.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.

Column 24.—Number of hogs.

Column 25.—Number of horses.

Column 26.—Birth.

Column 27.—Death.

Column 28.—Registered.

Column 29.—Acres of woodland.

Column 30.—Acres of swamp, marsh, or waste land.

Column 31.—Acres of orchard and garden.

Column 32.—Number of acres under fall wheat.

Column 33.—Date of delivery of notice under section 47 R. S. O. 1887, c. 193, s. 14 (Cols. 5-33); *see* Schedule B.

Column 34.—Each and every steam boiler in the municipality used for driving machinery or for any manufacturing purpose, with the name of owner and the purpose for which the same is used.

The clerk of the municipality shall, on the first day of June in each year, return to the Minister of Agriculture the number of such steam boilers as shown by such roll. 51 V. c. 29, s. 4; 53 V. c. 12, s. 3.

(4) In any case where the trustees of any Roman Catholic separate school avail themselves of the provisions contained in section 48 of *The Separate Schools Act*, for the purpose (amongst others) of ascertaining through the assessors of the municipality the persons who are the supporters of separate schools in such municipality, the assessor shall

Evidence on which Assessor to enter persons as Separate School supporters.  
Rev. Stat. c. 227.

} *These 3 columns apply to townships, towns and incorporated villages only.*

accept the statement of, or made on behalf of any ratepayer by his authority and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. 1887, c. 193, s. 14, (4); 53 V. c. 71, s. 4.

**14a.**—(1) In this section the words and expressions “Farm,” “Son,” “Sons,” “Farmer’s Son,” “Father,” “Election,” “To Vote,” shall respectively have the meaning given thereto by section 79 of *The Municipal Act*. Interpretation.  
Rev. Stat.  
c. 184.

(2) Every farmer’s son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following:

- (a) If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof. Farmers’ sons
- (b) If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed in respect of the farm, as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother.
- (c) Occasional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior to the return of the roll by the assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.
- (d) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give a qualification so to vote.

(e) If the amount at which the farm is so rated and assessed is not sufficient, if equally divided between the father, if living, and one son, to give to each a qualification so to vote, then the father shall be the only person entitled to be assessed in respect of such farm.

(f) A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant, or occupant, and the initials "F" or "T," and the initials "M, F" where the party assessed has the necessary qualifications shall be added in the proper column. 52 V. c. 40, s. 2.

Persons making affidavit under 51 V. c. 4 to be entered on roll.

14b.—(1) The assessor shall place on the assessment roll, as qualified to be a voter under *The Manhood Suffrage Act*, the name of every male person of the full age of twenty-one years not disqualified from voting at elections for the Legislative Assembly of Ontario, and a subject of Her Majesty by birth or naturalization, who delivers or causes to be delivered to the assessor, an affidavit signed by such person in one of the forms in schedule L appended hereto, or to the effect therein set forth, if the facts stated are such as entitle such person to be placed thereon, and the affidavit may be made before any assessor or justice of the peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit. 51 V. c. 4, s. 9; 52 V. c. 40, s. 3 (4); 52 V. c. 5, s. 1 (1).

Proviso.

Provided that such person had resided within the province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote.

Proviso.

And provided that such person was in good faith at the time fixed as aforesaid, for beginning to make said roll, and still is a resident of, and domiciled in the municipality in the roll of which he desires to be entered, and had resided in the said municipality continuously from the time fixed as aforesaid for beginning to make said roll. 51 V. c. 4, s. 3, (*part*).

Temporary absence not to disqualify.

(2) A person may be resident in the municipality within the meaning of this section, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student in an institution of learning in the Dominion of Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll as a qualified voter. 51 V. c. 4, s. 4.

(3) The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, 51 V. c. 4. and shall place such persons on the roll as qualified to be voters without the affidavit referred to in sub-section 1 of this section. 52 V. c. 40, s. 3 (5). Enquiries by assessors.

(4) No person shall be entitled to be marked or entered by the assessor in the assessment roll as a qualified voter under *The Manhood Suffrage Act*, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote under said Act. 52 V. c. 40, s. 3 (2). Students at college, etc.  
51 V. c. 4.

(5) No person shall be entitled to be entered or marked by the assessor in the assessment roll as qualified to vote under *The Manhood Suffrage Act*, who at the time of marking or entering is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poorhouse or house of industry or as an inmate receiving charitable support or care in a charitable institution receiving aid from the province under any statute in that behalf. 52 V. c. 40, s. 3 (3). Disqualifications.  
51 V. c. 4.

(6) Opposite the name of every person entitled to be entered on the assessment roll, under the provisions of this section, in addition to all other entries required to be made by this Act, the assessor shall, in the column 8 mentioned in sub-section 3 of section 14 enter:

(a) In the assessment roll of a city, town or village, the residence of such person by the number thereof (if any) and the street or locality whereon or wherein the same is situate.

(b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such person resides

and in all cases any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified. 52 V. c. 40, s. 3 (1), (a, b).

(7) The assessor shall in his affidavit at the foot of his assessment roll after he has completed the same include the following paragraphs:

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote, a right of voting.

"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have

Affidavit by assessor.

I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there."

52 V. c. 40, s. 3 (6).

Complaints  
respecting roll.  
51 V. c. 4.

(8) Complaints of persons having been wrongfully entered on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, or of persons not having been entered thereon as qualified to be voters under said Act, who should have been so entered, may by any person entitled to be a voter under said Act, or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments, or the complaints may be made to the county judge under *The Voters' Lists Act*. 52 V. c. 40, s. 3 (7); 51 V. c. 4, s. 13 (1).

When voter  
may make  
application to  
judge.

52 V. c. 3.

(9) Any person who since the day upon which by statute or by by-law the assessment roll is returnable to the clerk and before the time for appealing against the voters' list or of giving notice of application to the Judge to have the names of persons entered upon the voters' list under *The Voters' Lists Act* shall have expired, has become possessed of the qualifications entitling him to vote, shall be entitled to give, or any person whose name is on the list or who has the qualification entitling him to have his name entered thereupon, may give the requisite notice or make application to the judge to have the name of such first-mentioned person entered upon the voters' list. 51 V. c. 4, s. 13 (2).

Assessors to  
make annual  
list of children  
of school age.

**14c.** The assessors of every municipality shall annually, when making their assessment, enter in a book, to be provided by the clerk of the municipality, in the form set forth in schedule M to this Act, the name, age and residence of every child between the age of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian, and return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer. 54 V. c. 56, s. 11.

### *Mode of Assessing Real Property.*

Land to be as-  
sessed in the  
municipality  
or ward.

Personal prop-  
erty.

**15.** Land shall be assessed in the municipality in which the same lies, and, in the case of cities and towns, in the ward in which the property lies; and this shall include the land of incorporated companies, as well as other property; and when any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner. R. S. O. 1887, c. 193, s. 15.

**16.** Land occupied by the owner shall be assessed in his name, but when a married woman is assessed as owner, the name of the husband shall also be entered upon the assessment roll as an occupant. [See secs. 28-30. R.S.O. 1887, c. 193, s. 16.]

Land occupied by owner to be assessed in his name.

**17.** Land not occupied by the owner, but of which the owner is known and, at the time of the assessment being made, resides or has a legal domicile or place of business in the municipality, or has given the notice mentioned in section 3, shall be assessed against the owner alone, if the land is unoccupied, or against the owner and occupant, if the occupant is any other person than the owner. R. S. O. 1887, c. 193, s. 17.

When land not occupied by the owner, but owner is known.

**18.** If the owner of the land is not resident within the municipality, but resident within this Province, then, if the land is occupied, it shall be assessed in the name of and against the occupant and owner; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident. R. S. O. 1887, c. 193, s. 18.

When owner not resident in municipality but resident in Province.

**19.** In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land is occupied, it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof for the purpose of imposing and collecting taxes upon and from the same land; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner or the words "Owner Unknown," according to the assessor's knowledge or information. R. S. O. 1887, c. 193, s. 19.

When owner not resident in Province.

**19a.** Land purchased from the Crown, and which has been mortgaged to the Crown to secure the repayment of the purchase money or some part thereof, or which is subject to any claim of the Crown for unpaid purchase money, shall be assessed, and shall be declared to have been liable to be assessed to the extent of the interest of the owner for the time being of the equity of the redemption therein, or of the purchaser as the case may be, and this section shall apply to lands purchased from the Crown whether as represented by the Government of the Dominion of Canada, or as represented by the Government of this Province, and nothing herein contained shall be construed to derogate from or in any wise affect the interest of the Crown in such lands; provided that not more than six years past arrears of taxes shall be collectable hereunder and that no sale for non-payment of taxes which has taken place heretofore shall be

Assessment of land purchased from the Crown.

rendered valid by this Act, but the taxes to the extent of six years if not satisfied shall be a charge on the land and payment thereof shall be enforced by sale as in other cases.

When land assessed against owner and occupant.

**20.**—(1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter “F,” and opposite the name of the occupant or tenant the letter “T,” and both names shall be numbered on the roll.

*[Sub-section 2 repealed. See 51 V. c. 29, s. 11 (2).]*

Ratepayer to be counted only once.

(3) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant saving his recourse against any other person. R. S. O. 1887, c. 193, s. 20 (1-3).

Assessment of land owned or occupied by several persons.

**21.**—(1) When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respective y; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others

Assessment of partnership property.

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property.

Assessment of property of company for school purposes.

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the com-

pany shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within the municipality that the amount or proportion of the shares or stock of the company, so far as the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

- (a) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

- (b) Any such notice given in pursuance of a resolution in that behalf of the directors of the company, shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.
- (c) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all such notices as may be so on file in the clerk's office, and shall thereupon in respect of the said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

- (d) The word "company" in this section shall mean and include any body corporate. R. S. O. 1887, c. 193, s. 21.

[Sections 22 and 23 repealed. See 51 V. c. 29, s. 11 (2).]

When tenants may deduct taxes from rent.

**24.** Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary. R. S. O. 1887, c. 193, s. 24.

Assessor to note non-residents if required, on the roll.

**25.** The assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in column number 3, the letters, "N. R.," and the address of such freeholder. R. S. O. 1887, c. 193, s. 25.

How property estimated.

**26.—(1)** Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

Mineral lands.

**(2)** In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. R. S. O. 1887, c. 193, s. 26.

What shall be deemed vacant land, and how its value shall be calculated in cities, etc.

**27.—(1)** In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, (in case the council so directs) the assessors shall, in cities, and, where the extent of such ground exceeds ten acres, in towns and incorporated villages, value such land as though it was held for farming or gardening purposes, with such per centage added thereto as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same is situated, as the case may be.

Assessment thereof.

**(2)** In such case, the number and description of each lot, comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. R. S. O. 1887, c. 193, s. 27.

When not held for sale, but for gardens, etc.

**28.—(1)** When ground is not held for the purposes of sale, but *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth

for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground. R. S. O. 1887, c. 193, s. 28.

(2) The owners or tenants of islands in the lakes not exceeding ten acres in extent and used with the houses erected thereon exclusively as summer resorts and upon which the owner or his tenants do not reside more than three months in the year and whereon no statute labour is done shall not be rated for statute labour nor shall the owner or tenant thereof be liable for the performance of statute labour or for the payment of commutation thereof for or in respect of such property. *New.*

Islands used as summer resorts.

**29.** Every railway company shall annually transmit, on or before the 1st day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement shewing :

Railway companies to furnish certain statements to clerks of municipalities.

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year ;

2. The real property, other than the roadway in actual use and occupation by the company, and its value ; and

3. The vacant land not in actual use by the company, and the value thereof, as if held for farming or gardening purposes ;

And the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to, any station or office of the company a notice addressed to the company of the total amount at which he has assessed the real property of the company in his municipality or ward, shewing the amount for each description of property mentioned in the above statement of the company ; and such statement and notice respectively shall be held to be the statement and notice required by sections 42 and 47 of this Act. R. S. O. 1887, c. 193, s. 29.

Duties of clerks thereon.

**29a.** Plank, gravel, macadamized or other toll roads not owned by any municipal corporation shall be assessed as real estate in the municipality in which the same are situate, and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith, but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith.

Assessment of toll roads.

**29b.** Every toll road owned by any corporation or person other than a municipal corporation, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the minor municipality in which the same is situate, and

Toll roads owned by counties or cities.

where the road extends or runs into or through more minor municipalities than one, each minor municipality shall assess that part thereof which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in that municipality.

Exemption of shares in toll roads.

**29c.** The stock or shares held by any person in any toll road and the dividends or income derivable therefrom are hereby exempted from assessment. 53 V. c. 54, s. 1.

Proceedings in case of non-resident lands.

**30.** As regards the lands of non-residents who have not required their names to be entered in the roll, the assessors shall proceed as follows :

To be inserted in roll separately.

1. They shall insert such land in the roll separated from the other assessments, and shall head the same as *Non-residents' Land Assessments*.

When not known to be sub-divided into lots.

2. If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

When known to be sub-divided into lots.

3. If it is known to be subdivided into lots, or is part of a tract known to be so subdivided, the assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts ; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest ; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation ; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it shall be sufficiently designated as such by its name or number, but if it is part of a lot, the part shall be designated in some other way whereby it may be known. R. S. O. 1887, c. 193, s. 30.

### *Mode of Assessing Personal Property.*

Assessment of income derived from trade or profession.

**31.** Subject to the provisions of section 8, no person deriving an income from any trade, calling, office, profession or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal earnings or income during the year then last past than the excess of such earnings or income over and above the exemptions specified in sub-sections 23 and 24 and 24a of section 7 of this Act, and such last year's income in excess of such exempted sums shall be held to be his net personal property, unless such person has other personal property liable to assessment, in which case such excess of income and other personal property shall be added together and constitute his personal property liable to assessment.

**31a.**—(1) In the case of persons carrying on a mercantile business in a municipality the council of the municipality may pass a by-law or by-laws for imposing and levying an annual business tax in respect of all classes of mercantile business, without classification, or of any class or classess of mercantile business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on ; and the council may in their by-law classify different kinds of mercantile business and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied within the limits provided by this section as to the council may seem reasonable ; and provided also that when a business tax is imposed the personal property belonging to the business, in respect of which the tax is imposed, shall not be liable to assessment or taxation otherwise. 54 V. c. 45, s. 1.

Assessment of merchants.

(2) For the purposes of this section the annual value of the premises in which the business is carried on shall be taken to be an amount representing seven per cent. on the assessed real value of the said premises. 53 V. c. 55, s. 4 (2).

**32.** The beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name. R. S. O. 1887, c. 193, s. 32.

Beneficial owner of shares may be assessed.

**33.**—(1) All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner ; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof.

Personal property in Province of non-residents assessable like property of residents.

(2) The property shall be assessable in the municipality in which it may happen to be.

(3) This section does not apply to dividends which are payable to, or other *choses* in action which are owned by and stand in the name of, a person who does not reside in the Province. R. S. O. 1887, c. 193, s. 33.

**34.**—(1) The personal property of an incorporated company, other than the companies mentioned in sub-section 2 of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership.

Assessment of personal property of companies.

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, water works, plank or gravel roads, railway and tram-roads, harbours or other works requiring the investment of the

whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment; but the shareholders shall be assessed on the income derived from such companies. R. S. O. 1887, c. 193, s. 34.

Personal property of partnerships, how and where to be assessed.

**35.**—(1) The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

As to partnerships having more than one business locality.

(2) If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere. R. S. O. 1887, c. 193, s. 35.

Where parties carrying on trade, etc., to be assessed for personal property.

**36.**—(1) Every person having a farm, shop, factory, office or other place of business where he carries on a trade, profession, or calling, shall, for all personal property owned by him, wheresoever situate, be assessed in the municipality or ward where he has such place of business, at the time when the assessment is made.

When the party has two or more places of business.

(2) If a person has two or more such places of business in different municipalities or wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or, if this cannot be done, he shall be assessed for part of his personal property at one place of business and for part at another; but he shall, in all such cases, produce a certificate at each place of business of the amount of personal property assessed against him elsewhere. R. S. O. 1887, c. 193, s. 36.

When the party has no place of business.

**37.** If a person has no place of business, he shall be assessed at his place of residence. R. S. O. 1887, c. 193, s. 37.

Place of assessment of salaries, etc.

**38.** Every person who holds any appointment or office of emolument to which any salary, gratuity or other compensation is attached, or who is hired or regularly employed for wages, salary or other compensation, and performs the duties of such appointment or office, or the work in which he is so employed within a municipality in which he does not reside, shall be assessed in respect of such salary, gratuity, wages or other compensation at the place where he performs such duties or is so employed, and he shall not be assessable therefor at his place of residence, but, if required, shall procure a certificate of being otherwise assessed under the provisions of this section; but

this section shall not apply to clergymen, county municipal officers, or to Government officers or officers of minor municipalities when the location of the office is fixed by law or regulation of the Government or municipality, but in such cases the salary gratuity, wages or other compensation, shall be assessed against the incumbent of the office in the municipality wherein he resides. *New.*

**39.** The personal property of a person not resident within this Province shall be assessed in the name of and against any agent, trustee or other person who is in the control or possession thereof, and shall be deemed to be the individual property of such agent, trustee or other person, for all objects within this Act. R. S. O. 1887, c. 193, s. 39.

When personalty of non-residents may be assessed against the agent therefor.

**40.** In case of personal property owned or possessed by or under the control of more than one person resident in the municipality or ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only. R. S. O. 1887, c. 193, s. 40.

Separate assessment of joint owners.

**41.**—(1) Personal property in the sole possession, or under the sole control of any person as trustee, guardian, executor, or administrator, shall be assessed against such person alone.

Case of executors, etc.

(2) Where a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name, or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the same municipality are joined with him in such representative character. R. S. O. 1887, c. 193, s. 41.

Parties assessed as trustees, etc., to have their representative character attached to their names.

#### *General Provisions.*

**42.**—It shall be the duty of every person assessable for real or personal property in any local municipality, to give all necessary information to the assessors, and if required by the assessor, or by one of the assessors, if there is more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing :

Particulars respecting property to be furnished to assessors by parties who are assessable.

All the particulars respecting the real or personal property assessable against such person which are required in the assessment roll ; and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement. R. S. O. 1887, c. 193, s. 42 (1) part ; 51, V. c. 29, s. 11 (2).

[Sub-sections 2, 3, 4 and 5 repealed. See 51 V. c. 29, s. 11 (2).]

Statement to  
be furnished  
to assessor.

**43.** Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. R. S. O. 1887, c. 193, s. 43.

Statements  
given by par-  
ties not bind-  
ing on  
assessors.

**44.** No such statement shall bind the assessor, or excuse him from making due inquiry to ascertain its correctness; and, notwithstanding the statement, the assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. R. S. O. 1887, c. 193, s. 44.

Penalty for  
not giving  
statement or  
making false  
statement.

**45.—(1)** In case any person fails to deliver to the assessor the written statement mentioned in the preceding three sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the assessor, and upon conviction before a Justice of the Peace having jurisdiction within the county wherein the municipality is situate, forfeit and pay a fine to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace.

(2) The fine for default shall be, under section 42 or 44, \$20; and under section 43, \$100. R. S. O. 1887, c. 193, s. 45.

[*Sec. 46 repealed. See 52 V. c. 40, s. 5.*]

47.—(1) Every assessor, before the completion of his roll, shall leave for every party named thereon, resident or domiciled, or having a place of business within the municipality, and shall transmit by post to every non-resident who has required his name to be entered thereon, and furnished his address to the clerk, a notice of the sum at which his real and personal property has been assessed, according to the form of Schedule B., annexed to this Act, and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission. R. S. O. 1887, c. 193, s. 47 (1).

Assessor to give notice to parties of the value at which their property assessed.

[*Sub-sec. 2 repealed. See 51 V. c. 29, s. 11 (2).*]

(3) Nothing in the preceding sub-section contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as a farmer's son, either under the provisions of this Act or otherwise, but in any notice given or transmitted to any farmer under the provisions of this section the assessor shall enter and set forth the name of every person entered in said roll as a son of such farmer.

Assessor not required to give notice to farmers' sons.

(4) Any notice, document or paper necessary to be given to, or left with, or served upon a farmer's son under any of the provisions of this Act, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of the farmer whose son he is.

Service of notices on farmers' sons.

(5) In this section the expression "Farmer's Son" and the word "Farmer" shall have the same meaning as in section 2 of this Act. 52 V. c. 40, s. 4 (1-3).

Interpretation.

47a. In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer, provided for by the 47th section of this Act, and set forth in schedule B. annexed hereto, in addition to the proper entry heretofore required, to be made in the column respecting the school tax, the following words: "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be; or these words may be added to the notice of the ratepayer set forth in the said schedule. 53 V. c. 71, s. 2.

Notice to be given when persons assessed as separate school supporters.

47b. Where the list required by the first section of the Act to amend the Public and Separate Schools Acts is prepared, the assessor is to be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax. 53 V. c. 71, s. 3.

Assessor to be guided by index book. 53 V. c. 71.

[*Sec 48 repealed. See 51 V. c. 29, s. 11 (2).*]

When assessment roll to be completed.

Form of affidavit verifying roll.

49. Subject to the provisions of sections 52 and 54, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same on or before the 30th day of April and shall attach thereto the following affidavit or solemn declaration verified upon oath or solemn affirmation before the Clerk, a Justice of the Peace or a Commissioner in the form following :

I, (*name and residence*), make oath and say (*or solemnly declare and affirm*,

1. That I have set down in the above assessment roll all the real property liable to taxation, situate in the municipality (*or ward*) of (*as the case may be*) and the true actual value thereof in each case, according to the best of my information and judgment ;

2. That the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll and that I have estimated and set down the same according to the best of my information and belief ;

3. That I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit or otherwise to be entitled by law to be so entered ;

4. That according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either under this Act or *The Manhood Suffrage Act*, or any Act amending either of the said Acts, and that I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, was or is entitled to be entered thereon under any or either of the said Acts ; and I further say, that the date of delivery or transmitting the notice required by section 47 of this Act is in every case truly and correctly stated in the said roll ;

5. I further say, that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote ; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid ;

6. I further say, that I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote, a right of voting ; and that I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have

I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there. 52 V. c. 40, s. 3 (6).

Sworn (or solemnly declared)  
and affirmed) before me at \_\_\_\_\_, of \_\_\_\_\_ in \_\_\_\_\_  
the county of \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, A.D. 18\_\_\_\_."

**50.** Subject to the provisions of section 54 every assessor shall, on or before the thirtieth day of April, deliver to the clerk of the municipality such assessment roll, completed and added up, with the affidavits attached; and the clerk shall immediately upon the receipt of the roll, file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the householders, tenants, freeholders and income voters, resident, owning or in possession of property, or in receipt of incomes in the municipality. R. S. O. 1887, c. 193, s. 50; 52 V c. 40, s. 7.

**51.—(1)** To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable enquiries before assessing, entering or naming any such person in the assessment roll.

(2) Any person whomsoever entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf; and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a court or a judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in either or any such case to give to a person not entitled thereto either the right or an apparent right to be a voter; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and

Penalty for causing improper entries on roll.

improperly omits, or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in either case to deprive any person of his right to be a voter, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

“Voter,”  
meaning of.

(4) The word “Voter” in this section shall have the meaning given thereto by *The Ontario Voters’ Lists Act, 1889*. 52 V. c. 40, s. 6.

*Special provisions relating to Counties, Cities, Towns and Villages.*

Time for  
taking the as-  
sessment and  
revising the  
rolls in cities,  
etc.

**52.**—(1) In cities, towns and incorporated villages, the council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the Court of Revision, and by the County Judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment between the 1st day of July and the 30th day of September, the rolls being returnable in such case to the city, town or village clerk on the 1st day of October; and in such case the time for closing the Court of Revision shall be the 15th day of November, and for final return by the Judge of the County Court the 31st day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be levied, and in the year following the passing of the by-law, the council may adopt the assessment of the preceding year as the basis of the assessment of that year. R. S. O. 1887, c. 193, s. 52.

(2) When there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 31st day of December, the council may notwithstanding adopt the assessment when finally revised, as the assessment on which the rate of taxation for the said following year shall be levied.

Assessment of  
localities  
added to cities  
and towns.

(3) Where an addition of any part of the localities adjacent to any city or town has been made to said city or town, in any year subsequent to the 30th day of September, under the provisions of section 22 of *The Municipal Act*, the council of said city or town may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality, as the basis of the assessment for said part for that year, although the assessment of the remainder of the city or town has been made, and the rate of taxation has been levied in accordance with the preceding provisions of this section; and the levying of a pro-

portionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon; and the qualification of municipal voters in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken. 52 V. c. 39, s. 1.

**53.**—(1) In cities, towns, townships, or incorporated villages the council may, by a by-law, or by-laws, require the payment of taxes and of all local improvement assessments, including sewer rents and rates, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may by such by-law, or by-laws, allow a discount for the prompt payment of such taxes, assessments, rents or rates, or any instalment thereof, on or before the day or days on which the same shall be made payable. Payment of taxes by instalments.

(2) The council may by by-law or by-laws impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which shall not be paid on the day appointed, for the payment thereof, and in towns, villages, or townships, where no day shall have been appointed for payment, the council may by by-law or by-laws impose such percentage on those which shall not have been paid on or before the 14th day of December in each year, there having been fourteen days previous demand or notice, as hereinafter provided, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof. R. S. O. 1887, c. 193, s. 53; 51 V. c. 29, s. 5; 52 V. c. 39, s. 2. Percentage on unpaid taxes.

(3) The notice or demand mentioned in section 123 of this Act may be given or made by the collector at any time after the receipt of the collection roll, and may be acted upon at any time after the expiration of fourteen days from the giving of such notice or making such demand, or after the day appointed for payment by any by-law passed under this section, whichever shall last happen. 52 V. c. 39, s. 3.

(4) The council may, by any by-law or by-laws, to be passed under sub-section (2) of this section, impose the said additional percentage charge on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, imposed on the lands of non-residents whose names have not been set down on the assessor's roll, which shall not be paid on or before the first day of November in each year, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, in the return required to be made under section 121 of County Council may pass by-laws for regulating the taking of assessment, etc.

this Act, and if such return shall be made before the first day of November, and the tax or assessment, rent or rate, or instalment thereof shall afterwards be paid on or before that day, such additional percentage shall not be chargeable by the treasurer of the county, city or town, or other official, as the case may be. 54 V. c. 45, s. 2.

Additional rate percentage to be added with taxes on non-resident lands.

**54.**—(1) County councils may pass by-laws for taking the assessment in towns, townships and incorporated villages, between the 1st day of February and the 1st day of July.

(2) If such by-law extends the time for making and completing the assessment rolls beyond the 1st day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and for final return in case of an appeal, twelve weeks from that day. R.S.O. 1887, c. 193, s. 54.

#### COURT OF REVISION.

When council consists of five members only.

**55.** If the council of the municipality consists of not more than five members, such five members shall be the Court of Revision for the municipality. R. S. O. 1887, c. 193, s. 55.

When of more than five.

**56.** If the council consists of more than five members, such council shall appoint five of its members to be the Court of Revision. R. S. O. 1887, c. 193, s. 56.

Appointment of court of revision in large cities.

**56a.**—Notwithstanding anything contained in the two preceding sections, the council of any city having a population of 40,000 or over, may by by-law appoint in each year as the court of revision for the municipality, three persons, none of whom shall be a member or officer of, or in the employment of the city council, and may provide by the same or any other by-law for the payment of the members of such court of revision; and such persons so appointed shall be a court of revision for such city, and the court shall have the same powers as a court of revision appointed under the above sections, and those sections of this Act and *The Municipal Act* which apply to courts of revision, and are not inconsistent herewith shall apply hereto, and this section may be read therewith. 53 V. c. 54, s. 4.

Oath of members of Court of Revision.

**57.** Every member of the Court of Revision, before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath or affirmation in cases where, by law, affirmation is allowed:

Quorum.

“ I , do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision, which may be brought before me for trial as a member of said Court.”

R. S. O. 1887, c. 193, s. 57.

**58.** Three members of the Court of Revision shall be a quorum; and a majority of a quorum may decide all questions before the Court. But no member of the Court shall act as a member thereof when an appeal is being heard respecting any property in which he is directly or indirectly interested. R. S. O. 1887, c. 193, s. 58. Rev. Stat. c. 193, s. 58, amended.

**59.** The clerk of the municipality shall be clerk of the Court, and shall record the proceedings thereof. R. S. O. 1887, c. 193, s. 59. Who to be clerk.

**60.** The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head of the municipality; but the first sitting of the Court of Revision shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the clerk of the municipality. R. S. O. 1887, c. 193, s. 60. Meetings of Court.

**61.** At the times or time appointed, the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. R. S. O. 1887, c. 193, s. 61. Court to try all complaints, etc.

**62.** The Court, or some member thereof, may administer an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such Court. R. S. O. 1887, c. 193, s. 62. *See sec. 64 (16).* May administer oaths, etc.

**63.** If a person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty of \$20, to be recoverable, with costs, by and to the use of any person suing for the same, either by suit in the proper Division Court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. R. S. O. 1887, c. 193, s. 63. Penalty on witnesses for non-attendance.

*Proceeding for the Trial of Complaints.*

**64.—(1)** Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll, may personally, or by his agent give notice in writing to the clerk of the municipality, (or assessment commissioner, if any there be), that he considers himself aggrieved for any or all of the causes aforesaid. Notice of complaint by party aggrieved.

**(2)** The notice shall be given to the clerk (or assessment commissioner, if any there be), within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose. Time within which notices of appeal to the Court are to be given.



Take notice, that you are required to attend the Court of Revision Form.  
at on the day in the matter of the following appeal :

"Appellant,

G.H.

"Subject—That you are not a *bona fide* owner or occupant, (or as the case may be.)

"(Signed)

X. Y.,  
Clerk."

(10) If the person resides or has a place of business in the local municipality, the clerk shall cause the notice to be left at the person's residence or place of business. Service to at residence.

(11) If the person is not known, then the notice shall be left with some grown person on the assessed premises, if there is any such person there resident ; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office. How absentees served.

(12) Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sittings of the Court. When notice to be completed.

(13) Where necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make ; and in the event of his failure to effect such services in time for the first sitting of the Court, the Court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day. Clerk may require assistance in making services.  
Power to adjourn.

(14) If the party assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court, and make a declaration, in case the complainant appears in person, in the form of Schedule C, D, or E. to this Act, according to the fact ; and if the complainant appears by agent, such agent may make the declaration in the form of Schedule F, G. or H., as the case may be ; and no abatement shall be made from the amount of income on account of debts due, nor from the value of personal property, other than income in respect of debts, except debts due for or on account of such personal property ; and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income as is specified in such declaration, unless such Court is dissatisfied with the declaration, in which case the party making the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by such Court, respecting the correctness of such declaration ; and such Court shall confirm, alter or amend the roll as the evidence seems to warrant. Proceedings when party assessed complains of overcharge on personal property, etc.  
Effect of declaration by each party.

(15) In other cases, the Court, after hearing the complainant, and the assessor or assessors, and any witness adduced, and, if deemed desirable, the party complained against, shall deter- Proceedings other cases.

mine the matter, and confirm or amend the roll accordingly. And the Court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed. And in all cases which come before the said Court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent four days' notice of such assessment, within which time he must appeal to said Court if he objects to such assessment.

Oaths of certain parties not necessary.

(16) It shall not be necessary to hear upon oath the complainant or assessor, or the party complained against, unless where the Court deems it necessary or proper, or the evidence of the party is tendered on his own behalf or required by the opposite party.

When to proceed *ex parte*.

(17) If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

Extension of time for complaints,

(18) Where it appears that there are palpable errors which need correction, the Court may extend the time for making complaints ten days further, and may then meet and determine the additional matter complained of, and the assessor may, for such purpose, be the complainant.

and to finish business by July 1st.

(19) Subject to the provisions of sections 52 and 54, all the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court, before the 1st day of July in every year—except in the municipality of Shuniah, in which municipality all the duties of the Court of Revision which relate to the matters aforesaid shall be completed, and the rolls finally revised, by the Court, before the 15th day of July in every year, and except in municipalities coming within the provisions of chapter 185 of the Revised Statutes, 1887.

Provision as to Shuniah.

Procedure upon appeals.

(20) In case any person appeals against his assessment upon any ground, the Court of Revision, or the Judge of the County Court, as the case may be, may re-open the whole question of the assessment, so that omissions or errors in the assessment may be corrected, and the accurate amount for which the assessment should be made be placed on the assessment roll by the Court or Judge before handing the same over to the clerk of the municipality. R.S.O. 1887, c. 193, s. 64.

Roll to be binding, notwithstanding errors in it or in notice sent to persons assessed.

**65.** The roll, as finally passed by the Court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 47 of this Act, or the omission to deliver or transmit such notice. R. S. O. 1887, c. 193, s. 65.

**66.** A copy of any assessment roll, or portion of any assessment roll, written or printed, without any erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any Court of justice without proof of the seal or signature, or the production of the original assessment roll, of which such certified copy purports to be a copy, or a part thereof. R.S.O. 1887, c. 193, s. 66.

Copy of assessment roll duly certified to be evidence.

**67.** The Court shall also, before or after the 1st day of July, and with or without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes, or who, by reason of any gross and manifest error in the roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged ; and the Court may, subject to the provisions of any by-law in this behalf, remit or reduce the taxes due by any such person, or reject the petition ; and the council of any local municipality may, from time to time, make such by-laws, and repeal or amend the same. R. S. O. 1887, c. 193, s. 67.

Further powers granted to Court of Revision for remitting or reducing taxes.

#### APPEALS FROM THE COURT OF REVISION.

**68.**—(1) An appeal to the County Judge shall lie, not only against a decision of the Court of Revision on an appeal to said Court, but also against the omission, neglect or refusal of said Court to hear or decide an appeal.

Appeal from Court of Revision.

(2) The person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within five days after the date herein limited for closing the Court of Revision, a written notice of his intention to appeal to the County Judge—except in the municipality of Shuniah, in which municipality the notice shall be given within ten days after the 1st day of August in every year and except in municipalities coming within the provisions of chapter 185 of the Revised Statutes, 1887. R. S. O. 1887, c. 193, s. 68 (1, 2).

Service of notice of appeal.

Provide as to Shuniah.

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge, who shall then notify the clerk of the day he appoints for the hearing thereof, and shall, if in his opinion the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such court within the municipality from the court of revision of which such appeal is made, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held. R.S.O. 1887, c 193 s. 68 (3) ; 53 V. c. 54, s. 2.

Day for hearing.

Places for hearing appeals from courts of revision.

Clerk to notify parties.

(4) The clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint under section 64 of this Act; but in the event of failure by the clerk to have the required service in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

List of appellants, etc., to be posted up by clerk.

(5) The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear appeals.

Clerk of Court.

(6) The clerk of the municipality shall be the clerk of such Court.

Hearing and adjournment.

Proviso as to Shuniah, etc.

(7) At the Court so holden, the Judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that all the appeals may be determined before the 1st day of August—except in the municipality of Shuniah (in which municipality all such appeals shall be determined before the 15th day of September in every year), and except in the cases provided for in sections 52 and 54, and except in municipalities coming within the provisions of chapter 185 of the Revised Statutes, 1887. R. S. O. 1887, c. 193, s. 68 (4-7).

Assessment roll to be produced to the Court, and amended, etc.

**69.** At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the Court of Revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given, the clerk of the Court shall, when the same is given, forthwith alter and amend the roll, according to the same, and shall write his name against every such alteration or correction. R. S. O. 1887, c. 193, s. 69.

Amendments how certified.

Powers of Judge sitting in appeal from Court of Revision.

**70.** In all proceedings before the County Judge or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and

judgments, as belong to or might be exercised by him, in the Division Court or in the County Court. R. S. O. 1887, c. 193, s. 70.

**71.** All process or other proceedings in, about or by way of appeal, may be entitled as follows : Style of proceedings.

In the matter of appeal from the Court of Revision of the  
, of

\_\_\_\_\_, Appellant,

and

\_\_\_\_\_, Respondent,

and the same need not be otherwise entitled. R. S. O. 1887, c. 193, s. 71.

**72.** The cost of any proceeding before the Court of Revision or before the Judge as aforesaid shall be paid by or apportioned between the parties in such manner as the Court or Judge thinks fit, and where costs are ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person, the same shall be enforced, when ordered by the Court of Revision, by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the Judge, by execution to be issued as the Judge may direct, either from the County Court or the Division Court within the county in which the municipality or assessment district, or some part thereof, is situated, in the same manner as upon an ordinary judgment for costs recovered in such Court. R. S. O. 1887, c. 193, s. 72. Costs to be apportioned by the Judge, and how enforced.

**73.** The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance, and none other; and the same are to be taxed according to the allowance in the Division Court for such costs; and in cases where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder. R. S. O. 1887, c. 193, s. 73. What costs chargeable.

**73a.** County Court Judges shall be entitled to receive from the municipality as their expenses, for holding Courts in the various municipalities other than the county town, for the purpose of hearing appeals from the Court of Revision, under the provisions of this Act, the same sums as they are allowed for holding courts for revising voters' lists. 52 V. c. 39, s. 7. Expenses of county judges on assessment appeals.

**74.** The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated, and the clerk of the municipality shall amend the rolls accordingly. R. S. O. 1887, c. 193, s. 74. Decision of County Judge to be final.

**75.** When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of Copy of roll to be transmitted to county clerk.

the municipality shall, within 90 days, transmit to the county clerk a certified copy thereof under a penalty of not less than \$10 and not more than \$20. R. S. O. 1887, c. 193, s. 75.

*Appeals where large amounts involved.*

Appeals where large amounts or questions of law involved.

**76.**—(1) Where there is an appeal from any Court of Revision under section 68 of this Act to the County Court Judge of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating \$50,000, such person, partnership or corporation shall, on depositing with the clerk of the Court of Revision appealed from the sum of \$50 to pay the travelling expenses of the board or Judge to be called in as hereinafter mentioned, have the right to have the appeal from the said Court of Revision heard by a board consisting of the Judges of the counties which constitute the County Court District, if the property assessed be in a county which forms part of a County Court District, and if not, then the party or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the said appeal shall thereupon be heard by the County Court Judge and the said Judge so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify each of the Judges, whose duty it shall be to attend upon such appeal as aforesaid, by post, prepaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the Judge of the county in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post, prepaid, the other Judge or Judges and the parties appealing.

(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the district or provisional county in which the property assessed is situate, and a person or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding \$50,000, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the clerk of the municipality the sum of \$50 to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said provisional county or district is attached for judicial purposes; the notice of such appeal, the time for

bringing the same on, and the procedure generally, to be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

(3) Sections 68 to 77 inclusive, shall apply to all appeals taken under the preceding two sub-sections, and the said Judges shall have the powers and duties which by the said sections, 68 to 77, are assigned to the County Court Judge therein referred to.

(4) When two Judges hear the appeal, and differ in their opinion as to the allowance of the said appeal or otherwise, then the said assessment appealed from shall stand confirmed.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid shall pay out of the moneys so deposited, upon requisition by the Judge, such sum as the said Judge shall certify to him as his travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person or corporation depositing the same.

(6) The provisions of this section shall also be held as applying in any case where the person, partnership, or corporation desiring to appeal has been assessed on properties to an amount not less than \$20,000, and not exceeding \$50,000, provided that the matter of appeal involves questions of law, and does not involve only the question of the value at which such properties have been so assessed. R. S. O. 1887 c. 193, s. 76.

#### APPEALS BY NON-RESIDENTS.

**77.** In case any non-resident, whose land within the limits of any city, town, incorporated village or township, has been assessed in any revised and corrected assessment roll, complains by petition to the proper municipal council, at any time before the 1st day of May in the year next following that in which the assessment is made, such council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint; and all decisions of municipal councils under this Act may be appealed from, tried and decided, as provided by section 68 and following sections of this Act; and if the lands are found to have been assessed twenty-five per centum higher than similar land belonging to residents, the council or Judge shall order the taxes rated on such excess to be struck off; and, in all such cases, where the land has been subdivided into park, village or town lots, if the same are owned by the same person or persons, the statute labour tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no roll shall be amended, under this section of this Act, if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of sections 64 to 75 of this Act. R. S. O. 1887, c. 193, s. 77.

Appeals with respect to non-residents' lands.

Lots subdivided not to affect rolls revised and corrected.

## EQUALIZATION OF ASSESSMENTS.

Annual examination of assessment rolls by municipal councils, and for what purpose.

**78.** The council of every county shall, yearly, before imposing any county rate, and except as provided by sections 52 and 54, not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations made by the assessors in each township, town or village bear a just relation one to another, and may, for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between the valuations of real and personal estate in the county; but they shall not reduce the aggregate valuation thereof for the whole county as made by the assessors. R. S. O. 1887, c. 193, s. 78.

Appeal as to equalization of assessments.

**79.** If any municipality is dissatisfied with the action of any county council in increasing or decreasing, or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows :

1. The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the County Judge;

2. Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the County Judge;

3. Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the County Judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting.

4. The Lieutenant Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a Judge of another county, who together with the county Judge shall form a Court, and the said Court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal either with or without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn from time to time,

and, except as provided in sections 52 and 54, the judgment of the said Court shall not be deferred beyond the 1st day of August next after the notice of the appeal; and the Court shall equalize the whole assessment of the county. R.S.O. 1887, c. 193, s. 79 (1-4); 52 V. c. 39, s. 4.

5. The Judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed \$10 a day, besides his travelling and other expenses, and the County Judge, sheriff, or registrar, shall also receive a reasonable sum, not to exceed \$10 each, per day, and to be paid by the county. R.S.O. 1887, c. 193, s. 79 (5); 52 V. c. 39, s. 5.

6. Any two members of such Court shall constitute a Quorum, and such Court may proceed and adjudicate upon such appeal, notwithstanding the office of sheriff or of registrar or of County Judge is vacant.

7. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the County Judge, the clerk of the county council shall forthwith notify in writing the County Judge, and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the matter of appeal, and may adjourn the hearing from time to time, but, except as provided in sections 52 and 54, the judgment shall not be deferred beyond the 1st day of August next after such appeal; and the Judge shall equalize the whole assessment of the county. Equalization of County Judge.

8. The right of appeal shall exist whether county valuers have been appointed or not, and upon any such appeal the report of the county valuers shall be open to review by the Court or Judge as herein provided. R.S.O. 1887, c. 193, s. 79. (6-8). Appeal in cases of equalization of assessment.

9. The costs incurred in the prosecution and opposing of such appeal respectively shall be borne and paid as directed by the county judge or court as the case may be, and not otherwise, and shall be subject to taxation on the county court scale by the clerk of the county court of the said county. *New.* Costs.

10. In the event of the assessment of any one or more municipalities being reduced or increased by the County Judge or the Court, directions shall be given by the said Judge or Court to the clerk of the county council to increase or reduce the rate imposed by the by-law of the county council so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide. 52 V. c. 39, s. 6. Directions to clerk of county council after equalization of assessment roll.

80. If the clerk of the municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not prevent the county council from equalizing the valuations in the several municipalities according to the best information Effect of clerk of municipality omitting to send copy of roll.

obtainable; and any rate imposed, according to the equalized assessment, shall be as valid as if all the assessment rolls had been transmitted. R. S. O. 1887, c. 193, s. 80.

Valuators to attest their report on oath.

**81.** In cases where valuers are appointed by the council to value all the real and personal property within the county, they shall attest their report by oath or affirmation in the same manner as assessors are required to verify their rolls by section 142 of this Act. R. S. O. 1887, c. 193, s. 81.

Apportionment of county rates, how to be based.

**82.** The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole ratable property of the county, make the amount of property returned on the assessment rolls of such townships, towns and villages, or reported by the valuers as finally revised and equalized for the preceding year, the basis upon which the apportionment is made. R. S. O. 1887, c. 193, s. 82.

Case of new municipalities.

**83.** Where a new municipality is erected within a county, so that there are no assessment or valuers' rolls of the new municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly. R. S. O. 1887, c. 193, s. 83.

County councils to apportion sums required for county purposes.

**84.** Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and, by by-law, direct what portion of such sum shall be levied in each township, town or village in such county or locality. R. S. O. 1887, c. 193, s. 84.

County Clerk to certify amounts to clerks of local municipalities.

**85.** Subject to the provisions of sections 52 and 54 the county clerk shall, before the 15th day of August in each year, certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes, or for the purposes of any such locality; and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R. S. O. 1887, c. 193, s. 85.

Act not to affect provisions for rates to raise interest on county debentures.

**86.** Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any municipal Act now or formerly in force in this Province, or in any Act respecting the Consolidated Municipal Loan Fund in Ontario or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same. R. S. O. 1887, c. 193, s. 86.

STATUTE LABOUR.

**87.** No person in Her Majesty's Naval or Military Service on full pay, or on actual service, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R. S. O. 1887, c. 193, s. 87. (*Firemen exempted in certain cases. See R.S.O. 1887, Cap. 188, s. 6).*

Certain persons in military service exempt.

**88.** Every other male inhabitant of a city, town or village of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour), who has not been assessed upon the assessment roll of the city, town or village, or whose taxes do not amount to \$2, shall, instead of such labour, be taxed at \$1 yearly therefor, to be levied and collected at such time, by such person, and in such manner as the council of the municipality may, by by-law, direct, and such inhabitant shall not be required to have any property qualification. R. S. O. 1887, c. 193, s. 88; 54 V. c. 45, s. 4.

Who liable and in what ratio, in cities towns and villages.

**89.** The council of every city, town and incorporated village, may pass a by-law or by-laws to reduce or abolish the amount to be paid in lieu of statute labour, as provided by the next preceding section. R.S.O. c. 193, s. 89.

Power to reduce or abolish payment in lieu of statute labour.

**90.** Subject to the provisions of the next preceding section, no person shall be exempt from the tax in section 88 mentioned, unless he produces a certificate of his having performed statute labour or paid the tax elsewhere. R. S. O. 1887, c. 193, s. 90.

Where to be performed.

**91.** Subject to the provisions of the next succeeding section, every male inhabitant of a township, between the ages aforesaid, who is not otherwise assessed, and who is not exempt by law from performing statute labour, shall be liable to one day of statute labour on the roads and highways in the township. R. S. O. 1887, c. 193, s. 91; 54 V. c. 45, s. 5.

Liability of persons not otherwise assessed in townships.

**92.** The council of every township shall have the power to pass by-laws to reduce the amount of statute labour to be performed by the ratepayers or others within the township, or to entirely abolish such statute labour and the performance thereof by all persons within said township. R.S.O. 1887, c. 193, s. 92.

Power to reduce or abolish statute labour.

**93.**—(1) Every person assessed upon the assessment roll of a township shall, if his property is assessed at not more than \$300, be liable to two days' statute labour; at more than

Ratio of service in case of persons assessed.

Council may reduce or increase the number of days proportionately.

\$300 but not more than \$500, three days; at more than \$500 but not more than \$700, four days; at more than \$700 but not more than \$900, five days; and for every \$300 over \$900, or any fractional part thereof over \$150, one additional day; but the council of any township, by a by-law operating generally and ratably, may reduce or increase the number of days' labour to which all the parties, rated on the assessment roll or otherwise, shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed.

Lots subdivided as park lots, etc.

(2) In townships where farm lots have been subdivided into park or village lots, and the owners are not resident, and have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the list required under section 121 of this Act, where such lots are under the value of \$200, to a rate not exceeding one-half per centum on the valuation; but the council may direct a less rate to be imposed by a general by-law affecting such village lots. R. S. O. 1887, c. 193, s. 93.

Commutation may be at \$1 per day.

**94.** The council of any township may, by by-law, direct that a sum not exceeding \$1 a day shall be paid as commutation of statute labour, for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes. R. S. O. 1887, c. 193, s. 94; 51 V. c. 29, s. 6.

Commutation may be fixed at any sum not exceeding \$1.

**95.** Any local municipal council may, by a by-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding \$1 for each day's labour, and the sum so fixed shall apply equally to residents who are subject to statute labour, and to non-residents in respect to their property. R. S. O. 1887, c. 193, s. 95.

If no by-law, commutation to be at \$1.

**96.** Where no such by-law has been passed, the statute labour in townships, in respect of lands of non-residents, shall be commuted at the rate of \$1 for each day's labour. R. S. O. 1887, c. 193, s. 96.

Farmers' sons.

**97.—(1)** Every farmer's son rated and entered as such on the assessment roll of any municipality, shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor, as if he were not so rated and assessed. R. S. O. 1887, c. 193, s. 97.

Exemption of tenant farmer's sons from statute labour.

(2) Every tenant farmer's son *bona fide* resident on the farm of his father or mother, shall be exempt from statute labour in the same manner as if he were the son of an owner and jointly assessed for the property upon which he resides as provided by section 2 of *The Franchise Assessment Act, of 1889*. 54 V. c. 45, s. 6.

**98.**—(1) Any person liable to pay the sum named in section 88, or any sum for statute labour commuted under section 94 of this Act, shall pay the same to the collector to be appointed to collect the same, within two days after demand thereof by the said collector; and in case of neglect or refusal to pay the same, the collector may levy the same by distress of goods and chattels of the defaulter, with costs of the distress; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the county in which the local municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of \$5 with costs, and, in default of payment at such time as the convicting Justice shall order, shall be committed to the common gaol of the county, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

Payment of tax in lieu of statute labour may be enforced by distress or imprisonment.

(2) Any person liable to perform statute labour under section 91 of this Act not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for the purpose; and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$5, and upon summary conviction thereof before a Justice of the Peace aforesaid, such Justice shall order the same, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there is no sufficient distress, such offender may be committed to the common gaol of the county and there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(3) All sums and penalties, other than costs, recovered under this section, shall be paid to the treasurer of the local municipality, and form part of the statute labour fund thereof. R. S. O. 1887, c. 193, s. 98. See R. S. O. 1887, cap. 197, s. 7.

**99.** No non-resident who has not required his name to be entered on the roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value; and, in all cases in which the statute labour of a non-resident is paid in money, the municipal council shall order the same to be expended in the statute labour division where the property is situate, or where the said statute labour tax is levied. R. S. O. 1887, c. 193, s. 99.

Non-residents when not admitted to perform statute labour

**100.**— 1) In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour

When non-residents admitted, but do not perform statute labour.

or pay commutation for the same, the overseer of highways in whose division he is placed shall return him as a defaulter to the clerk of the municipality, before the 15th day of August, and the clerk shall in that case, enter the commutation for statute labour against his name in the collector's roll; and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

Amount of non-residents' statute labour.

Proviso.

(2) Whenever one person is assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner; but every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. R. S. O. 1887, c. 193 s. 100.

If resident owner, etc., makes default in performing his statute labour or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the fifteenth day of August, and the clerk shall in that case enter the commutation for statute labour against his name in the collector's roll, and the same shall be collected by the collector.

Overseer to expend the commutation money.

**101** —(1) Where a resident owner, tenant or occupant who has been entered upon the assessment roll, after notice or demand, makes default in performing his statute labour or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the fifteenth day of August, and the clerk shall in that case enter the commutation for statute labour against his name in the collector's roll, and the same shall be collected by the collector.

(2) In every such case the clerk shall notify the overseer of highways, that may be appointed for such division in the following year, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. R.S.O. 1887, c. 193, s. 101.

*Statute Labour in Unincorporated Townships—Road Commissioners.*

Meeting for election of road commissioners.

**102.** Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners. R.S.O. 1887, c. 193, s. 102.

Requisition for meeting.

**103.** The persons desiring the meeting to be called shall sign a requisition authorizing some person named in the requisition, and who may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. R.S.O. 1887, c. 193, s. 103.

**104.** In case the person so named declines to call a meeting or neglects to do so, for ten days after the request is presented to him, any three of the persons who signed the requisition may call the meeting. R.S.O. 1887, c. 193, s. 104.

How meeting may be called in case person named in requisition fails to call it.

**105.** The notice calling the meeting shall name a place, day and hour, where the meeting is to be held; it shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. R.S.O. 1887, c. 193, s. 105.

Notice of meeting.

**106.** The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting shall, before proceeding to an election, decide that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. R.S.O. 1887, c. 193, s. 106.

Number of commissioners.

**107.** In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings. R.S.O. 1887, c. 193, s. 107.

Chairman of meeting.

**108.** The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. R.S.O. 1887, c. 193, s. 108.

Mode of voting.

**109.** The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes. R.S.O. 1887, c. 193, s. 109.

Record of persons voting.

**110.** If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form whereupon such person shall be permitted to vote:

Objections to voters.

You swear (or, if the voter is entitled to affirm, solemnly affirm, as the case may be), that you are of the age of twenty-one years, and that you are the owner or locatee of lot \_\_\_\_\_ in the concession of this township, and that you are entitled to vote at this election.

So help you God.

R.S.O. 1887, c. 193, s. 110.

**Term of office.** **111.** The commissioners elected shall hold office until the 31st day of December next after their election, and shall take the declaration of office before a justice of the peace, similar to that of a councillor in a municipal corporation. R.S.O. 1887, c. 193, s. 111 ; 51 V. c. 29, s. 7.

**First meeting of commissioners.** **112.** The commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. R.S.O. 1887, c. 193, s. 112.

**Time for performance of statute labour.** **113.** The times to be appointed for the performance of statute labour shall, unless the meeting of landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July in any year. R.S.O. 1887, c. 193, s. 113.

**Ratio of service by owners and locattees of land.** **114** (1) Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour and each householder may be required each year to perform one day's labour.

**Liability of land owners to statute labour.** (2) Any land-owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in sub-section 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared R.S.O. 1887, c. 193, s. 114 ; 51 V. c. 29, s. 8.

**Commissioners to oversee work.** **115.** Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of \$1.25 per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. The commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively. R.S.O. 1887, c. 193, s. 115 ; 51 V. c. 29, s. 59.

**Commutation** **116.** Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of \$1 per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed. R.S.O. 1887, c. 193, s. 116.

**117.** The majority of the commissioners may call a meeting, to be held at any time during the month of January, for the election of their successors, but in case of their failure so to do, a meeting may be called in the manner hereinbefore provided for a first election. R.S.O. 1887, c. 193, s. 117.

Meeting for election of new commissioners.

**118.** Any person liable to perform statute labour under the next preceding 16 sections, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of \$5, and in addition \$1 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, and upon such person's conviction thereof before a Justice of the Peace having jurisdiction in the township, such Justice shall order the penalty together with costs of prosecution and distress, to be levied by distress of the offender's goods and chattels. R.S.O. 1887, c. 193, s. 118.

Penalty for neglect to perform work.

**118a.** The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of \$5, which may be sued for, together with costs, in any Court having jurisdiction, by any three electors making the complaint. 51. V. c. 29, s. 10.

Penalty for neglect to serve as commissioners.

#### COLLECTION OF RATES.

**119.** The clerk of every local municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information required by this Act, to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and, opposite the said assessed value as therein described of each respective person, he shall set down in one column to be headed "County Rates," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "Township Rate," "Village Rate," "Town Rate," or "City Rate," as the case may be, the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the local municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately; and every such last mentioned rate shall be calculated separately, and the column therefor headed "*Special*

Clerks of municipalities to make out collectors' rolls; their form, contents, etc.

*Rate," "Local Rate," "Public School Rate," "Separate School Rate," or "Special Rate for School Debts," as the case may be.* R. S. O. 1887, c. 193, s. 119.

Provincial taxes to be assessed and collected in same manner as local rates.

**120.** All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate; and the clerk shall deliver the roll, certified under his hand, to the collector on or before the 1st day of October, or such other day as may be prescribed by a by-law of the local municipality. R. S. O. 1887, c. 193, s. 120.

Clerk to make out rolls of lands of non-residents whose names not in assessment rolls, etc.

**121.** The clerk of every local municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls; and he shall enter opposite to each lot or parcel, all the rates or taxes and percentages, if any, under section 53 hereof with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the county in which his municipality is situate, or to the treasurer of the city or town, as the case may be, on or before the 1st day of November. R.S.O. 1887, c. 193, s. 121; 54 V. c. 45, s. 3.

#### COLLECTORS AND THEIR DUTIES.

Duties of collectors.

**122.** The collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned. R. S. O. 1887, c. 193, s. 122.

Collectors to demand payment of rates

**123.**—(1) In cities and towns he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person; or he shall leave or cause to be left with the person taxed, or at his residence or domicile, or place of business, or upon the premises in respect of which the taxes are payable, a written or printed notice, specifying the amount of such taxes, and shall, at the time of such demand or notice, or immediately thereafter, enter the date thereof on his collection roll opposite the name of the person taxed, or cause the same to be so entered; and such entry shall be *prima facie* evidence of such demand or notice.

(2) In places other than cities and towns, he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, or if so empowered by by-law of the municipality he shall leave with the person taxed, or at his residence, or domicile, or place of business, a written or printed notice, specifying the amount of such taxes, and shall at the time of such demand or notice as the case may be, or immediately thereafter enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand or notice. R. S. O. 1887, c. 193, s. 123, *amended*.

**124.**—(1) Subject to the provisions of section 53 of this Act, in case a person neglects to pay his taxes for fourteen days after such demand, or after notice served pursuant to such by-law as aforesaid, or, in the case of cities and towns, after such demand or notice as aforesaid, the collector may, by himself or by his agent, subject to the exemption provided for by sections 27 and 28 of *The Act respecting the Law of Landlord and Tenant*, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the county in which the local municipality lies, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*. R. S. O. 1887, c. 193, s. 124, (1) 52 V. c. 39, s. 8; 53 V. c. 54, s. 3. When payment is not made, collectors to levy the tax by distress and sale. Rev. Stat. c. 51

(2) If at any time after demand has been made, or notice served pursuant to such by-law, or, in the case of cities and towns, after demand has been made or notice served by the collector as aforesaid, and before the expiry of the time for payment of the taxes, the collector has good reason to believe that any party by whom taxes are payable, is about to remove his goods and chattels out of the municipality before such time has expired, and makes affidavit to that effect before the mayor or reeve of the municipality, or before any justice of the peace, such mayor, reeve or justice shall issue a warrant to the collector authorizing him to levy for the taxes and costs, in the manner provided by this Act, although the time for payment thereof may not have expired, and such collector may levy accordingly. R. S. O. 1887, c. 193, s. 124 (2); 52 V. c. 39, s. 9. Levy of taxes under warrant.

(3) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part. R. S. O. 1887, c. 193, s. 124 (3).

**125.** If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by Proceedings in case of non-residents.

such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter the date thereof on the roll, opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof, and the said statement and demand shall contain, written or printed on some part thereof, the name and post-office address of such collector. R. S. O. 1887, c. 193, s. 125.

When collectors may distrain for rates on non-residents' land.

**126.** In case of the land of non-residents, who have required their names to be entered on the roll, the collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been so transmitted by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof. R. S. O. 1887, c. 193, s. 126.

Public notice of sale to be given, and in what manner.

**127.** The collector shall, by advertisement posted up in at least three public places in the township, village or ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale, and of the name of the person whose property is to be sold; and, at the time named in the notice, the collector or his agents shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. R. S. O. 1887, c. 193, s. 127.

Surplus, if unclaimed, to be paid to party in whose possession the goods were;

**128.** If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R. S. O. 1887, c. 193, s. 128.

or to admitted claimant.

**129.** If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. R. S. O. 1887, c. 193, s. 129.

When the right to such surplus contested.

**130.** If the claim is contested, such surplus money shall be paid over by the collector to the treasurer of the local municipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. R. S. O. 1887, c. 193, s. 130.

Recovery of taxes by action.

**131.** If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local muni-

cipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the local municipality, shall be *prima facie* evidence of the debt. R. S. O. 1887, c. 193, s. 131.

Evidence.

**132.** In towns, villages, and townships every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, as the council of the municipality may appoint, and shall pay over the amount payable to such treasurer, specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the treasurer that the date of the demand of payment and transmission of statement and demand of taxes, required by sections 123 and 125 in each case, has been truly stated by him in the roll. R. S. O. 1887, c. 193, s. 132.

Collector to return his roll and pay over proceeds by the day to be appointed by Council.

**133.**—(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the council of the town, village or township may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with the powers provided by law for the general levy and collection of taxes.

Other persons may be employed to collect taxes which Collector does not collect by a certain day.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. R. S. O. 1887, c. 193, s. 133.

**134.** The council of every city may, by by-law, fix the times for the return of the collector's rolls and any enlargements of the same. R. S. O. 1887, c. 193, s. 134.

In cities the council may fix the time for return of collectors' rolls.

**135.** If any of the taxes mentioned in the collector's roll remain unpaid, and the collector is not able to collect the same, he shall deliver to the treasurer of his municipality an account of all the taxes remaining due on the roll; and, in such account, the collector shall shew, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words *Non-Resident* or *Not sufficient property to distrain*, or *Instructed by Council not to collect*, as the case may be; and such collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year. R. S. O. 1887, c. 193, s. 135.

Proceedings when taxes are unpaid, and cannot be collected.

When thus not collected, collectors to be credited with amount.

**136.** Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized. R. S. O. 1887, c. 193, s. 136.

Taxes to be a lien upon land

**137.** The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege, or incumbrance of any party except the Crown, and shall not require registration to preserve it. R. S. O. 1887, c. 193, s. 137.

#### YEARLY LISTS OF LAND GRANTED BY THE CROWN.

Annual lists of lands granted, etc., to be furnished by Commissioner of Crown Lands.

**138.** The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every county a list of all the land within the county patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. R. S. O. 1887, c. 193, s. 138. *See also* R. S. O. 1887, Cap. 24, s. 36.

County treasurers to furnish copies of lists to clerks of municipalities.

**139.** The county treasurer shall furnish to the clerk of each local municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement shewing what lands in the said annual list are liable to assessment within such assessor's assessment district. R. S. O. 1887, c. 193, s. 139.

#### ARREARS OF TAXES.

##### *Duties of Treasurers, Clerks and Assessors in relation thereto.*

Lists of lands three years in arrears for taxes to be furnished to clerks.

**140.** The treasurer of every county shall furnish to the clerk of each municipality, except cities and towns, in the county, and the treasurer of every city and town shall furnish to the clerk of his municipality, a list of all the lands in his municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on or before the 1st day of February in every year, and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 18*     ;" and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have

been placed upon a collector's roll until some month in the year later than the month of January. *R. S. O. 1887, c. 193, s. 140.*

**141.** The clerk of the municipality is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the assessor or assessors of the municipality, in each year, as soon as such assessor or assessors are appointed, a copy of such list; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "*Occupied and Parties Notified*," or "*Not Occupied*," or "*Incorrectly Described*," as the case may be; and all such lists shall be signed by the assessor or assessors and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall file the same in his office for public use; and furnish forthwith to the county treasurer a true copy of the same, certified to by him under the seal of the corporation; and every such list, or copy thereof, shall be received in any Court as evidence, in any case arising concerning the assessment of such lands. *R. S. O. 1887, c. 193, s. 141. See s. 204.*

Local clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

Lists to be evidence.

**142.** The assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

Assessor's certificate.

"I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief."

*R. S. O. 1887, c. 193, s. 142.*

**143.—(1)** The clerk of each municipality shall examine the assessment roll when returned by the assessor, and ascertain whether any lot embraced in the said list last received by him from the treasurer pursuant to section 140, is entered upon the roll of the year as then occupied, or is incorrectly described; and shall forthwith furnish to the said treasurer a list of the several parcels of land which appear on the resident roll as having become occupied, or which have been returned by the assessor as incorrectly described.

Local clerks to certify lands to which have become occupied.

(2) Except in the cases provided for by sections 52 and 54 on or before the 1st day of July in the then current year, the county treasurer shall return to the clerk of each local municipality other than a city or town, and every city or town treasurer shall return to the clerk of the city or town, an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section 157 of this Act.

Return of taxes due to be made to treasurer.

Clerk to insert such amount on Collector's roll.

(3) The clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year; and such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll. R. S. O. 1887, c. 193, s. 143.

When there is not sufficient distress on such lands.

**144.** If there is not sufficient distress upon any of the occupied lands, in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well for the arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. R. S. O. 1887, c. 193, s. 144.

Statement of arrears to be returned by local Treasurer, and when.

**145.**—(1) The treasurer of every township and village shall, within fourteen days after the time appointed for the return and final settlement of the collector's roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

(2) Such return shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 141 of this Act, and generally such other information as the county treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year; and the county treasurer shall not be bound to receive any such statement after the 8th day of April in each year. R. S. O. 1887, c. 193, s. 145.

Liability of lands to sale if arrears are not paid, and when.

**146.** In case it is found by the statement directed by the last preceding section to be made to the county treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by section 143 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the county treasurer, under the provisions of section 160 of this Act, notwithstanding that the same may be occupied in the year when such sale takes place; and such arrears need not again be placed upon the collector's roll for collection. R. S. O. 1887, c. 193, s. 146.

Penalty on Clerks and Assessors neglecting duties under preceding sections.

**147.** If the clerk of any municipality neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 140, or to furnish copies of such lists, as required, to the assessor or assessors, or neglects to return to the treasurer a correct list of the lands

which have come to be occupied, as required by section 143 of this Act, and a statement of the balances which remain uncollected on any such lots, as required by section 144 of this Act; or if any assessor or assessors neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every officer making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the county in which such municipality is situated, be liable to the penalties imposed by sections 225, 226 and 227 of this Act; all fines so imposed shall be recoverable by distress and sale of any goods and chattels of the party making default. How to be levied. R. S. O. 1887, c. 193, s. 147.

**148.**—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished the statement to the county treasurer, mentioned in section 145, arrears of taxes may be paid to such local treasurer; but after the said statement has been referred to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates. After return of roll who to receive taxes.

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 205 of this Act. After statement under sec. 145, collection of arrears to belong to County Treasurer only. R. S. O. 1887, c. 193, s. 148.

**149.** Any local municipality may, by by-law, remit, either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such municipality, specifying the particular lands upon which the remission is made; and, upon the passing of such by-law, it shall be the duty of the clerk forthwith to transmit a copy of the by-law to the treasurer or other officer having the collection of such arrears, who shall then collect only so much of the said taxes as are not remitted. Municipalities may remit taxes due on non-residents lands. R. S. O. 1887, c. 193, s. 149. *See also s. 67.*

**150.** The treasurer shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof: but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder; and the treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrear for taxes, into as many parts as the necessities of the case may require. The whole amount to be paid at once, unless the land is subdivided. R. S. O. 1887, c. 193, s. 150.

If demanded,  
Treasurer to  
give a written  
statement of  
arrears.

**151.** The treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search and statement on each separate lot or parcel not exceeding four, and, for every additional ten lots, a further fee of twenty cents; but the treasurer shall not make any charge for search to any person who forthwith pays the taxes. R. S. O. 1887, c. 193, s. 151.

Lands on  
which taxes  
unpaid to be  
entered in cer-  
tain books by  
Treasurer.

**152.** The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R. S. O. 1887, c. 193, s. 152.

Municipalities  
united and  
afterwards dis-  
united, etc.

**153.** If two or more local municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration, is situate. R. S. O. 1887, c. 193, s. 153.

Proceedings  
where any land  
is found not to  
have been as-  
sessed in any  
year.

**154.** If, at the yearly settlement to be made on the 1st day of May, it appears to the treasurer that any land liable to assessment has not been assessed, he shall report the same to the clerk of the municipality; thereupon, or if it comes to the knowledge of the clerk in any other manner that such land has not been assessed, the clerk shall, under the direction of the council, enter such land on the collector's roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year: and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor or assessors for the current year to value such lands; and it shall be the duty of the assessor or assessors to value such lands when required, and certify the valuation in writing to the clerk; and the owners of such lands shall have the right to appeal to the council at its next or some subsequent meeting after the taxes thereon have been demanded, but within fourteen days after such demand, which demand shall be made

How land to  
be valued.

Appeal from  
valuation.

before the 10th day of November; and the council shall hear and determine such appeal on some day not later than the 1st day of December. R. S. O. 1887, c. 193, s. 154.

**155.** The county treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of any municipality. Treasurer to correct errors. R. S. O. 1887, c. 193, s. 155.

**156.** If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. As to pretended receipts, etc. R. S. O. 1887, c. 193, s. 156.

**157.** If, at the balance to be made on the 1st day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due ten per centum thereon. Ten per cent. to be added to arrears yearly. R. S. O. 1887, c. 193, s. 157.

**158.** Where the county treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in a township or village municipality, he may issue a warrant under his hand and seal to the collector of such municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in sections 124 to 130 inclusive of this Act, with respect to distresses made by collectors. When there is distress upon lands of non-residents, Treasurer may authorize collector to levy. R. S. O. 1887, c. 193, s. 158.

**159.** Unpatented land vested in or held by Her Majesty which may be hereafter sold, or agreed to be sold, to any person, or which may be located as a free grant, shall be liable to taxation from the date of such sale or grant; and any such land which had been already sold, or agreed to be sold, to any person, or had been located as a free grant, prior to the 1st day of January, 1863, shall be held to have been liable to taxation since the 1st day of January, 1863, and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or is or is not issued, and, in case of sale, or agreement for sale by the Crown, whether any payment has or has not been, or is or is not made thereon, and whether any part of the purchase money is or is not overdue and unpaid; From what period unpatented lands shall be liable to taxation. but such taxation shall not in any way affect the rights of Her Majesty in such lands. Rights of the Crown saved. R. S. O. 1887, c. 193, s. 159.

#### SALE OF LANDS FOR TAXES.

**160.** Where a portion of the tax on any land has been due for and in the third year, or for more than three years pre- When lands to be sold for taxes.

Arrears due  
for three years  
to be levied by  
warrant of  
Warden to  
Treasurer.

ceding the current year, the treasurer of the county shall, unless otherwise directed by a by-law of the county council, submit to the warden of such county a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding him to levy upon the land for the arrears due thereon, with his costs. This section shall not apply to the Districts of Muskoka, and Parry Sound. R. S. O. 1887, c. 193, s. 160; 52 V. c. 17, s. 3.

Council may  
extend time  
for payment.

**161.** The council of a county, city or town, shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes by by-law passed for that purpose. R. S. O. 1887 c. 193, s. 161

Treasurer's  
duty on re-  
ceiving war-  
rant to sell.

**162.** It shall not be the duty of the treasurer to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. R. S. O. 1887, c. 193, s. 162.

What lands  
only the Treas-  
urer shall sell.

**163.** The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several municipalities in the month of January preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of section 143 of this Act, except the lands, the arrears for which had been placed on the collection roll of the preceding year, and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands. R. S. O. 1887, c. 193, s. 163.

County Treas-  
urer to pre-  
pare list of  
lands to be  
sold and ad-  
vertise in  
*Gazette*.

**164.—(1)** The county treasurer shall prepare a copy of the list of lands to be sold, required by section 160 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published within the county, and, in the case of a union of counties, in each county of the union, if there be one published in each county, and if not, in such county or counties of the union in which a newspaper is published, or, if none be so published, in some other newspaper published in some adjoining county.

(2) Where a junior county is separated from a union of counties after a return is made to the treasurer of the united counties of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of the united counties, or senior county, such treasurer shall return to the treasurer of the junior county a list of all the lands within the junior county returned as in arrear for taxes, and not advertised; and the treasurer and warden of the junior county shall have power respectively to take all the proceedings which treasurers and wardens, under this Act, can take for the sale and conveyance of lands in arrears for taxes; but, in case the lands in such junior county have been advertised by the treasurer of the united counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place. R. S. O. 1887, c. 193, s. 164.

Proceedings when lands in arrear for taxes in Junior County separated from Union of Counties.

**165.** The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes, on a day, and at a place named in the advertisement. R. S. O. 1887, c. 193, s. 165.

Notice to be given in such advertisement.

**166.** The day of sale shall be more than ninety-one days after the first publication of the list. R. S. O. 1887, c. 193, s. 166.

Time of sale.

**167.** The treasurer shall also post a notice similar to the said advertisement in some convenient and public place at the court house of the county, at least three weeks before the time of sale. R. S. O. 1887, c. 193, s. 167.

Notice to be posted up.

**168.** The treasurer shall, in each case add to the arrears published, his commission or other lawful charges, and the costs of publication. R. S. O. 1887, c. 193, s. 168.

Expenses added to arrears.

**169.** If, at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time. R. S. O. 1887, c. 193, s. 169.

Adjourning sale, if no bidders.

**170.—(1)** If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale, and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first; and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes due; and the amount of taxes stated in the treasurer's advertisement shall, in all cases, be held to be the correct amount due.

Mode in which the lands shall be sold by the Treasurer.

When land  
does not sell  
for full amount  
of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same, except upon payment to the county treasurer of the full amount of taxes due, together with the expenses of sale; and the treasurer shall account to the local municipality for the full amount of taxes paid.

Purchase by  
municipalities  
of land sold  
for taxes.

(3) If the council of the local municipality, in which the same shall be situate, desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the local municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such local municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired. R. S. O. 1887, c. 193, s. 170.

When Treasurer  
sells land  
the fee of  
which is in  
Crown, he  
shall only sell  
the interest of  
lessee, etc.

**171.** If the treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee, or locatee, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands. R. S. O. 1887, c. 193, s. 171.

Collection of  
taxes on lands  
purchased  
from the  
Crown.

**171a.** If the treasurer of a county, city, or town sells any interest in land of which the Crown, whether as represented by the Government of Canada or the Government of the Province of Ontario, is or was the mortgagee, or has any claim thereto on account of unpaid purchase money, he shall only sell the interest therein of the owner of the equity of redemption for the time being or of the purchaser, as the case may be, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden or mayor, and (whether so expressed or not), such conveyance shall in no wise affect the rights of the Crown in the said lands under the mortgage or otherwise, and such conveyance shall give the purchaser the same rights only in respect of the land as the owner of the equity of redemption or purchaser from the Crown enjoyed.

**172.** If the purchaser of any parcel of land fails immediately to pay to the treasurer the amount of the purchase money the treasurer shall forthwith again put up the property for sale. R. S. O. 1887, c. 193, s. 172.

When purchaser fails to pay purchase money.

**172a.** To remove doubt it is hereby enacted that no sale of lands for taxes or for rates under a drainage by-law shall invalidate or in any way affect the collection of a rate assessed against or imposed or charged upon such lands prior to the date of the sale, but which shall accrue or become due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. 54 V.c. 45, s. 7.

Sale of lands for taxes not to affect collection of other rates.

*Certificate of Sale—Tax Deed.*

**173.** The treasurer, after selling any land for taxes shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 170 and 171 of this Act, will be executed by the treasurer and warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land is not previously redeemed. R. S. O. 1887, c. 193, s. 173.

Treasurer selling to give purchaser a certificate of land sold.

**174.—(1)** The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.

**(2)** The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. R. S. O. 1887, c. 193, s. 174.

Proviso.

**175.** From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser shall cease to have any further right in, or to the land in question. R. S. O. 1887, c. 193, s. 175.

Effect of tender of arrears etc.

**176.** Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him, as aforesaid, except that where the taxes against any parcel of land are less than \$10, the treasurer shall be entitled to charge in lieu of his commission, 25 cents. R. S. O. 1887, c. 193, s. 176.

Treasurer's commission.

Fees, etc., on sales of land.

**177.** Where land is sold by a treasurer, according to the provisions of section 164, and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. R. S. O. 1887, c. 193, s. 177.

Expenses of search in Registry Office for description, etc.

**178.** The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground; and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, such surveyor's fee not to exceed \$1; and the charge so incurred shall be included in the account and paid by the purchaser of the land sold, or the party redeeming the same. R. S. O. 1887, c. 193, s. 178.

Treasurer entitled to no other fees.

**179.** Except as before provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. R. S. O. 1887, c. 193, s. 179.

Owners may, within one year, redeem estate sold by paying purchase money and 10 per cent. thereon.

**180.** The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per centum thereon; and the treasurer shall give to the party paying such redemption money, a receipt stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption. R. S. O. 1887, c. 193, s. 180.

Deed of sale, if not redeemed.

**181.** If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of \$1, the treasurer shall prepare and execute with the warden, and deliver to him or them, a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser. R. S. O. 1887, c. 193, s. 181.

Meaning of words Treasurer and Warden.

**182.** The words "treasurer" and "warden" in the preceding section shall mean the persons who at the time of the exe-

cution of the deed in such section mentioned hold the said offices. R. S. O. 1887, c. 193, s. 182.

**183.** The deed shall be in the form, or to the same effect as in Schedule K to this Act, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section 178 of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a license of occupation." R. S. O. 1887, c. 193, s. 183.

Contents of deed and effect thereof.

**184.—**(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the parties claiming under the sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of the deed from the warden and treasurer. See R.S.O. 1887, Cap. 114, s. 78.

Deed to be registered within eighteen months to obtain priority.

(2) The registrar or deputy registrar upon production of the duplicate deed, shall enter the same in the registry book, and give a certificate of such entry and registration in accordance with *The Registry Act*. R. S. O. 1887, c. 193, s. 184.

Registration of deeds. Rev. Stat. c. 114.

**185.** As respects land sold for taxes before the 1st day of January, 1851, on the receipt by the registrar of the proper county or place, of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators or assigns, such registrar shall register any sheriff's deed of land sold for taxes before the 1st day of January, 1851; and the mode of such registry shall be the entering on record a transcript of such deed or conveyance. R. S. O. 1887, c. 193, s. 185.

On what certificate Registrars to register Sheriff's deeds of lands sold for taxes before 1851.

**186.** As respects land sold for taxes since the 1st day of January, 1851, and prior to the 1st of January, 1866, the sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned; and such certificate, for the purpose of registration in the registry office of the proper

Sheriff to give certificate of execution of conveyances since January 1st, 1851, and before 1st January, 1866, for registration.

registry division of any deed of lands so sold for taxes, shall be deemed a memorial thereof; and the deed shall be registered, and a certificate of the registry thereof shall be granted by the registrar, on production to him of the deed and certificate, without further proof; and the registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. R. S. O. 1887, c. 193, s. 186.

Treasurer to enter in a book descriptions of lands conveyed to purchaser by him.

**187.** The treasurer shall enter in a book, which the county council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collectors' rolls and other documents relating to non-resident lands, be by him kept among the records of the county. R. S. O. 1887, c. 193, s. 187.

Deed to be binding on all if land not redeemed in one year.  
32 V. c. 36 (O.)

**188.** If any tax in respect of any lands sold by the treasurer, in pursuance of and under the authority of the Assessment Act of 1869, or of chapter 180 of the Revised Statutes 1877, or of chapter 193 of the Revised Statutes 1887, or of this Act, has been due for the third year or more years preceding the sale thereof, and the same is not redeemed in one year after the said sale, such sale and the official deed to the purchaser of any such lands (provided the sale be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them—it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of three years, or redeem the same within one year after the treasurer's sale thereof. R. S. O. 1887, c. 193, s. 188.

Deed valid against all parties, if not questioned within a certain time.

**189.** Whenever lands are sold for arrears of taxes, and the treasurer has given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold within two years from the time of sale. R. S. O. 1887, c. 193, s. 189.

Certain Treasurer's deeds not to be invalid, if the sale is valid.

**190.** In all cases where lands have been validly sold for taxes, the conveyance by the treasurer who made the sale, or his successors in office, shall not be invalid by reason of the statute under the authority whereof the sale was made having been repealed at and before the time of such conveyance, or by reason of the treasurer who made the sale having gone out of office. R. S. O. 1887, c. 193, s. 190.

Rights of entry adverse to tax-purchaser.

**191.** In all cases where lands are sold for arrears of taxes, whether such sale is or is not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such

in possession not to be conveyed.

sale, section 9 of *The Act respecting the Law and Transfer of Property* shall not apply, to the end and intent that in such cases the right or title of persons claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. R. S. O. 1887, c. 193, s. 191.

Rev. Stat. c. 130, s. 9.

Common Law and 32 H. viii. c. 9, ss. 2, 4 & 6, revived.

**192**—(1) In all cases (not being within any of the exceptions and provisions of sub-section 3 to this section), where lands having been legally liable to be assessed for taxes, are sold as for arrears of taxes, and such sale or the conveyance consequent thereon is invalid by reason of uncertain and insufficient designation or description of the lands assessed, sold or conveyed, and the right or title of the tax purchaser is not valid, and the tax purchaser has entered on the lands so liable to assessment or any part thereof, and has improved the same, then in case an action for the recovery of the lands is brought against such tax purchaser and he is liable to be ejected by reason of the invalidity of such sale or conveyance, the Judge before whom the action is tried shall direct the jury to assess, or shall himself (if the case be tried without a jury), assess damages for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid in respect of the lands since the sale by the tax purchaser and interest thereon, and of any loss to be sustained in consequence of any improvements made before the commencement of the action by the defendant, and all persons through or under whom he claims, less all just allowances for the net value of any timber sold off the lands, and all other just allowances to the plaintiff, and shall assess the value of the land to be recovered.

Incorrect description of land in conveyance to tax purchaser.

(2) If a verdict is found for the plaintiff, no writ of possession shall issue until the plaintiff has paid into Court for the defendant the amount of such damages; or, if the defendant desires to retain the land, he may retain it, on paying into Court, on or before the fourth day of the ensuing sittings, or on or before any subsequent day to be appointed by the Court, the value of the land as assessed at the trial; after which payment, no writ of possession shall issue, but the plaintiff on filing in Court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in.

The plaintiff to pay damages into court before writ of possession issues, or tax purchaser may elect, to retain the land on paying its value.

- (3) This section shall not apply in the following cases :
- (a) If the taxes for non-payment whereof the lands were sold have been fully paid before the sale ;
  - (b) If, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to redemption of the lands ;

When section not to apply. if taxes paid before sale ;

if land redeemed ;

in cases of fraud.

(c) Where on the ground of fraud or evil practice by the purchaser at such sale, a Court would grant equitable relief. R. S. O. 1887, c. 193, s. 192.

When the owner is not tenant in fee, the value of the land to be paid into Court.

**193**—(1) In any of the cases named in the preceding section wherein the plaintiff is not tenant in fee simple, or fee tail, the payment into Court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the High Court and the plaintiff and all parties entitled to and interested in the said lands, as against the purchaser at such sale for taxes, on filing in the High Court, a sufficient release and conveyance to the defendant of their respective rights and interests to the land, shall be entitled to the money so paid in such proportions and shares as to the High Court, regarding the interests of the various parties, seems proper.

When the owner is not tenant in fee, the value of improvements, etc., to be paid into Court.

(2) In any of such cases wherein the defendant is not tenant in fee simple or fee tail, then the payment of damages into Court to be made as aforesaid by the plaintiff shall be into the High Court. R. S. O. 1887, c. 193, s. 193.

Any other person interested may pay in value assessed if defendant does not.

**194**—(1) If the defendant does not pay into Court, the value of the land assessed as aforesaid, on or before the fourth day of the said sittings, or on or before such subsequent day as may be appointed by the Court, then any other person interested in the lands under the sale or conveyance for taxes may, before the end of the said sittings, or before the expiry of ninety days from any subsequent day to be appointed by the Court for payment by the defendant, pay into Court the said value of the lands; and till the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue.

The payer to have a lien for such proportion as exceeds his interest.

(2) The defendant, or other person so paying in shall be entitled as against all others interested in the lands under the sale or conveyance for taxes, to a lien on the lands for such amount as exceeds the proportionate value of his interest in the lands, enforceable in such manner and in such shares and proportions as to the High Court, regarding the interests of the various parties, and on hearing the parties, seems fit. R. S. O. 1887, c. 193, s. 194.

How the owner can obtain the value of the land paid in.

**195.** In case the defendant or any other person interested, pays into Court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in Court a sufficient release and conveyance to the party so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such party, to secure his lien as aforesaid. R. S. O. 1887, c. 193, s. 195.

How the value of improvements, etc., paid in can be obtained.

**196.** If the said value of the lands is not paid into Court as above provided, then the amount of the damages paid into the High Court shall be paid out to the various persons,

who, if the sale for taxes were valid would be entitled to the lands, in such shares and proportions as to the High Court, regarding the interests of the various parties, seems fit. R. S. O. 1887, c. 193, s. 196.

**197.**—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named on the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession would surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff; and if the jury, or the Judge, if there be no jury, before whom the action is tried, assess damages for the defendant as provided in the next preceding five sections, and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or obtain damages, the Judge before whom the action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

Provision as to costs in cases where value of the land and improvements, etc., only in question.

(2) If on the trial it is found that such notice was not given as aforesaid, or if the Judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the said land), that the value of the land is greater than the amount mentioned in the said notice, or that he has omitted to pay into Court the amount mentioned in the said notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land mentioned in such notice, then in such case the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; and upon the trial of any cause after such notice, no evidence shall be required to be produced in proof of the title of the plaintiff. R. S. O. 1887, c. 193, s. 197.

**198.** In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at such sale, and interest thereon at the rate of ten per centum per annum, and for the amount of all taxes paid by him or them since such sale and interest thereon at the rate aforesaid, to be enforced against the lands in such

Tax purchaser without other remedy whose title is invalid to have a lien on the land for purchase money, etc.

proportions as regards the various owners, and in such manner as the High Court thinks proper. R. S. O. 1887, c. 193, s. 198.

Contracts between tax-purchaser and original owner continued.

**199.** No valid contract entered into between any tax purchaser and original owner, in regard to any lands sold or assumed to have been sold for arrears of taxes, as to purchase, lease, or otherwise, shall be annulled or interfered with by this Act, but such contract shall remain in force, and all consequences thereof, as to admission of title or otherwise, as if this Act had not been passed. R. S. O. 1887, c. 193, s. 199.

Secs. 190-199, not to apply where the owner has occupied since sale.

**200.** Nothing in the next preceding ten sections of this Act contained shall affect the right or title of the owner of any lands sold as for arrears of taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the same have since the sale been in the occupation of such owner, or of those claiming through or under him. R. S. O. 1887, c. 193, s. 200.

Other Acts remedial to purchasers continued.

**201.** Nothing in the next preceding eleven sections of this Act contained shall prejudice the right or title which any purchaser at any sale for taxes, or any one claiming through or under him, has heretofore acquired or hereafter acquires under any other statute. R. S. O. 1887, c. 193, s. 201.

Construction of "Tax-purchaser," "Original owner."

**202.** In the construction of the next preceding twelve sections of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sales of lands for taxes in arrear, and shall include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who, at the time of such sale, was legally interested in or entitled to the land sold, or assumed to be sold, and all persons claiming through or under him. R. S. O. 1887, c. 193, s. 202.

#### DEFICIENCY FROM NON-PAYMENT OF CERTAIN TAXES PROVIDED FOR.

Deficiencies in certain taxes to be supplied by local municipality.

**203.** Every local municipal council, in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the funds of the municipality, any deficiency arising from the non-payment of the tax, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect, the taxes on personal property other than for county rates. R. S. O. 1887, c. 193, s. 203.

ARREARS OF TAXES IN CITIES AND TOWNS.

**204.** In cities and towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities; and for such purposes the municipal officers of cities and towns shall perform the same duties as the like officers in other municipalities; and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively. R. S. O. 1887, c. 193, s. 204. *See sec. 141.*

Collection of arrears of taxes in cities and towns.

**205.** The treasurer of every county, city and town shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the party making payment one of such receipts, and shall deliver to the county, city or town clerk the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the county, city or town clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months. R. S. O. 1887, c. 193, s. 205.

County treasurers, etc., to keep triplicate blank receipt books.

Audit of books, etc.

ARREARS OF TAXES IN NEW MUNICIPALITIES.

**206.** Upon the incorporation of any new town, in any county the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situate in the newly incorporated town, and transmit the same to the treasurer of the town, who, after receipt of the said list, shall have, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in such list the county treasurer shall not include any lot then advertised for sale for taxes. R. S. O. 1887, c. 193, s. 206.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer.

**207.** In cases where a new local municipality is formed partly from two or more municipalities situate in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township, or village, or if the new municipality is a town, by the treasurer of such town; and for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached, shall immediately upon the formation

Arrears of taxes, how collected where new municipality formed.

thereof, make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the county in which the new municipality is situate, or of the town (as the case may be); and where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. R. S. O. 1887, c. 193, s. 207.

Who may  
take proceed-  
ings to enforce  
collection.

**208.** The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, shall have power, respectively, to take for the collection of such arrears of taxes all the proceedings which treasurers and wardens, or treasurers and mayors can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed. R. S. O. 1887, c. 193, s. 208.

Proceedings  
where return  
made to  
treasurer  
before separa-  
tion.

**209.** Where a municipality or part of a municipality has been or may be hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged, of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and warden of the county to which the territory belongs shall have power respectively to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. R. S. O. 1887, c. 193, s. 209.

#### NON-RESIDENT LAND FUND.

The Non-resi-  
dent Land  
Fund.

**210.**—(1) The council may, by by-law, direct that all the moneys received by the county treasurer, on account of taxes on non-resident lands, shall be paid at stated periods to the several local municipalities to which such taxes were due, or that they shall constitute a distinct and separate fund to be called the “Non-Resident Land Fund” of the county.

If no such  
by-law.

(2) In the absence of such by-law, the county treasurer shall pay over to the local treasurer all such moneys when so collected. R. S. O. 1887, c. 193, s. 210.

**211.** The treasurer shall, when such fund has been created, open an account for each local municipality with the said fund. R. S. O. 1887, c. 193, s. 211.

Treasurer to open an account therefor.

**212.** If a union of counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the provisional council of the junior county, shall be returned to and collected by the treasurer of the united counties, and not by the provisional treasurer; and the treasurer of the united counties shall open an account forthwith for the junior county with the non-resident land fund. R. S. O. 1887, c. 193, s. 212,

When any union about to be dissolved.

**213.** In cases where a new county has been or shall be formed in whole or in part from two or more municipalities situate in different counties the collection of non-resident taxes due at the time of formation in respect of lands situate in the new county which have not been advertised for sale shall be made by the treasurer of the new county; and for the purpose of enabling him to make such collection, the treasurers of the other counties formerly having jurisdiction over the respective portions of territory included in the new county shall make out lists of the non-resident taxes then due in their respective portions and transmit the same to the treasurer of the new county. R. S. O. 1887, c. 193, s. 213.

Collection of taxes in new municipalities.

**214.** All sums which may at any time be paid to a municipality out of the non-resident land fund of the county, shall form part of the general funds of such municipality. R. S. O. 1887, c. 193, s. 214.

Money from Non-resident Land Fund, how appropriated.

**215.** The council of the county may, from time to time, by by-law, authorize the warden to issue, under the corporate seal, upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof and for sums not less than \$100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands, or otherwise invested to the credit of the said fund; and all debentures issued by the county shall be in the exclusive custody of the treasurer, who shall be responsible for their safety until their proceeds are deposited with him. R. S. O. 1887, c. 193, s. 215.

Debentures may be issued on the credit of Non-resident Land Fund.

Who to have charge of them.

**216.** Such debentures shall be negotiated by the warden and treasurer of the county, and the proceeds shall be paid into the said fund, and the interest on the said debentures, and the principal when due, shall be payable out of such fund: but the purchaser of any such debentures shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof. R. S. O. 1887, c. 193, s. 216.

By whom to be negotiated.

Proviso.

Provision for payment of such debentures.

**217.** If at any time there is not in the non-resident land fund, where such fund has been created, money sufficient to pay the interest upon a debenture or to redeem the same when due, such interest or debenture shall be payable out of the general county funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other county debentures. R. S. O. 1887, c. 193, s. 217.

Surplus of the Non-resident Land Fund to be divided among municipalities.

**218.** The council of the county may from time to time pass by-laws apportioning the surplus moneys in the non-resident land fund amongst the municipalities ratably, according to the moneys received and arrears due on account of the non-resident lands in each municipality; but such apportionment shall always be so limited that the debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund. R. S. O. 1887, c. 193, s. 218.

Treasurer's percentage salary, how paid.

**219.** The treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof as the county council by by-law may direct. R. S. O. 1887, c. 193, s. 219.

Annual statements of fund to be submitted to councils.

**220.** The county treasurer shall prepare and submit to the county council, at its first session in January in each year, a report, certified by the auditors, of the state of the non-resident land fund. R. S. O. 1887, c. 193, s. 220.

What it shall shew.

**221.**—(1) The report shall contain an account of all the moneys received and expended during the year ending on the 31st day of December next preceding, distinguishing the sums received on account of, and paid to, the several municipalities, and received and paid on account of interest or debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due, distinguishing those due in every municipality; and the amount due on lands then advertised for sale, or which by law may be advertised, during the ensuing year.

Copy to be transmitted to Provincial Secretary.

(2) The warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Lieutenant-Governor. R. S. O. 1887, c. 193, s. 221.

#### ALL ARREARS TO FORM ONE CHARGE ON THE LAND.

All arrears to form one charge upon lands subject to them, etc.

**222.** The treasurer of the county shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R. S. O. 1887, c. 193, s. 222.

RESPONSIBILITY OF OFFICERS.

**223.** Every treasurer and collector, before entering on the duties of his office, shall enter into a bond to the corporation of the municipality for the faithful performance of his duties. Security by treasurers and collectors.  
R. S. O. 1887, c. 193, s. 223.

**224.** Such bond shall be given by the officer and two or more sufficient sureties, in such sum and in such manner as the council of the municipality by any by-law in that behalf requires and shall conform to all the provisions of such by-law. Bond with sureties.  
R. S. O. 1887, c. 193, s. 224.

**225.** If any treasurer, assessor, clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is treasurer, assessor, clerk or other officer, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding \$100. Penalty on assessors or clerks failing to perform their duty, and how enforced.  
R. S. O. 1887, c. 193, s. 225.

**226.** If an assessor neglects or omits to perform his duties, the other assessor, or other assessors (if there be more than one for the same locality), or one of such assessors, shall, until a new appointment, perform the duties, and shall certify upon his or their assessment roll the name of the delinquent assessor, and also, if he or they know it, the cause of the delinquency; and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office. Other assessors may act for those in default.  
R. S. O. 1887, c. 193, s. 226.

**227.** If any clerk, treasurer, assessor or collector, acting under this Act, makes an unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. Punishment of Clerks, Assessors, etc., making fraudulent assessments, etc.  
R.S.O. 1887, c. 193, s. 227.

**228.** Proof, to the satisfaction of the jury, that any real property was assessed by the assessor at an actual value greater or less than its true actual value by thirty per centum thereof shall be *prima facie* evidence that the assessment was unjust or fraudulent. What shall be evidence of fraudulent assessments.  
R. S. O. 1887, c. 193, s. 228.

Punishment of  
culpable assessors.

**229.** An assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both by fine and imprisonment, allowed by this Act. R. S. O. 1887, c. 193, s. 229.

Penalty for  
not making  
and complet-  
ing assessment  
rolls by the  
proper time.

**230.** With reference to *The Jurors' Act*, if any assessor of any township, village or ward, except in the cases provided for by sections 52 and 54 of this Act, neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll, on or before the 1st day of September of the year for which he is assessor, every such assessor so offending shall forfeit for every such offence the sum of \$200, one moiety thereof to the use of the municipality and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction; but nothing herein contained shall be construed to relieve any assessor from the obligation of returning his assessment roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly. R. S. O. 1887, c. 193, s. 230. *See also* R. S. O. 1887, Cap. 52.

Rev.Stat.c.52.

Not to impair  
any other  
liability.

Proceedings  
for compelling  
collectors to  
pay over  
moneys col-  
lected to the  
proper  
treasurer.

**231.** If a collector refuses or neglects to pay to the proper treasurer, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county or city (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. R. S. O. 1887, c. 193, s. 231.

Warrant to  
be delivered to  
Sheriff, etc.

**232.** The treasurer shall immediately deliver the warrant to the sheriff of the county, as the case may require. R. S. O. 1887, c. 193, s. 232.

Sheriff, etc.  
to execute it,  
and pay money  
levied.

**233.** The sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record. R. S. O. 1887, c. 193, s. 233.

Mode of com-  
pelling Sheriff  
etc., to pay  
over.

**234.** If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any re-

turn, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the High Court, or to a Judge thereof, for an order nisi or summons calling on the sheriff to answer the matter of the affidavit. R. S. O. 1887, c. 193, s. 234.

**235.** The order nisi or summons shall be returnable at such time as the Court or Judge directs. When return-  
able. R. S. O. 1887, c. 193, s. 235.

**236.** Upon the return of the order nisi or summons, the Court or a Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matters of the application. Hearing on  
return. R. S. O. 1887, c. 193, s. 236.

**237.** If the Court or Judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the Court or Judge shall order the proper officer of the Court to issue a writ of *fiery facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. Fi. Fa. to the  
coroner to levy  
the money. R. S. O. 1887, c. 193, s. 237.

**238.** The writ shall direct the coroner to levy of the goods and chattels of the sheriff, the sum which the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution; and the writ shall bear date on the day of its issue, and shall be returnable forthwith on its being executed; and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court. Tenor of such  
writ.  
Execution  
thereof.  
Fees. R. S. O. 1887, c. 193, s. 238.

**239.** If a sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of \$200, to be recovered from him in any Court of competent jurisdiction at the suit of the treasurer of the county, city or town. Penalty on  
Sheriff if no  
other imposed R. S. O. 1887, c. 193, s. 239.

**240.** All money assessed, levied and collected for the purpose of being paid to the Treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over, to the same persons, in the same manner, and at the same time, as taxes imposed on the same property for county, city or town purposes, and shall be deemed and taken to be moneys collected for the county, city or town, so far as to charge every collector, or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in Payment of  
money col-  
lected for  
the Province.

regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the county, city or town. R. S. O. 1887, c. 193, s. 240.

How money collected for county purposes to be paid over.

**241.** All moneys collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer; and the corporation of the township, town or village shall be responsible therefor to the corporation of the county. R. S. O. 1887, c. 193, s. 241.

Collectors or treasurers bound to account for all moneys collected by them.

**242.** Any bond or security given by the collector or treasurer to the corporation of the township, town or village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received for county purposes, or for any of the purposes mentioned in section 240. R. S. O. 1887, c. 193, s. 242.

Local treasurer to pay over county moneys to county treasurers.

**243.** The treasurer of every township, town or village shall, within fourteen days after the time appointed for the final settlement of the collector's rolls, pay over to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes, or for any of the purposes mentioned in section 240 of this Act. R. S. O. 1887, c. 193, s. 243.

Mode of enforcing such payment.

**244.** If default be made in such payment, the county treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or where the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount so due with interest and costs from the municipality in default. R. S. O. 1887, c. 193, s. 244.

Warrant to sheriff.

How the sheriff to levy. Rev. Stat. c. 184, ss. 428 & 429.

**245.** The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs in the same manner as is provided by *The Municipal Act* in case of writs of execution. R. S. O. 1887, c. 193, s. 245.

Treasurer, etc., to account for and pay over Crown moneys.

**246.** The county, city or town treasurer shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 240 of this Act, and shall pay over such moneys to the Treasurer of the Province. R. S. O. 1887, c. 193, s. 246.

Municipality responsible for such moneys.

**247.** Every county, city and town shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for according to law. R. S. O. 1887, c. 193, s. 247.

**248.** The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the county, city or town; and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the county, city or town, shall be taken to apply to all such moneys as are mentioned in section 240, and may be enforced against the treasurer or his sureties, in case of default on his part. R. S. O. 1887, c. 193, s. 248.

Treasurer,  
etc., respon-  
sible to  
County, etc.

Bonds to  
apply.

**249.** The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money which would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. R. S. O. 1887, c. 193, s. 249.

Bonds to  
apply to  
school  
moneys, etc.

**250.** Any person aggrieved by the default of the treasurer, may recover from the corporation of the county, city or town, the amount due or payable to such person as money had and received to his use. R. S. O. 1887, c. 193, s. 250.

City, etc., re-  
sponsible for  
default of  
Treasurer,  
etc.

#### MISCELLANEOUS.

**251.** If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, city or town, be liable to a fine of \$20, and, in default of payment, or for want of sufficient distress, to imprisonment not exceeding twenty days. R. S. O. 1887, c. 193, s. 251.

Penalty for  
tearing down  
notices, etc.

**252.** The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the county, city or town; and, in default of sufficient distress, the offender shall be committed to the common gaol of the county, and be there kept at hard labour for a period not exceeding one month. R. S. O. 1887, c. 193, s. 252.

Recovery of  
fines and for-  
feitures here-  
by imposed.

**253.** When not otherwise provided all penalties recovered under this Act shall be paid to the treasurer to the use of the municipality. R. S. O. 1887, c. 193, s. 253.

Application  
penalties.

**254.** All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Inconsistent  
enactments  
repealed.

**255.** Notwithstanding the Act of the present session, entitled *The Assessment Amendment Act, 1892*, sections 1, 2, 3, 4, 5 and 10 thereof in said Act, or where they appear and are consolidated herein shall not come into force until the 1st day of August next. In case of any conflict between any provision in this Act and any provision of the said *Assessment Amendment Act, 1892*, the inconsistent provision in the latter Act shall be deemed to be repealed by this Act and to be not in force.

## SCHEDULE A.

(Section 3.)

FORM OF NOTICE BY NON-RESIDENT OWNER OF LAND REQUIRING TO BE ASSESSED THEREFOR.

To the Clerk of the Municipality of

Take notice, that I (*or we*) own the land hereunder mentioned, and require to be assessed, and have my name (*or our names*) entered on the Assessment Roll of the Municipality of (*or Ward of the Municipality of*) therefor.

That my (*or our*) full name (*or names*), place of residence and Post Office address, are as follows :

*A. B.*, of the Township of York, shoemaker, Weston Post Office (*as the case may be*). Description of land (*here give such description as will readily lead to the identification of the land*).

Dated the                      day of                      , 18 .

*C. D.*

Witness, *G. H.*

R. S. O. 1887, c. 193, *Sched. A.*

SCHEDULE B.  
(Sections 47 and 47a.)

(or CITY, TOWN OR VILLAGE) OF

SIDE.

TOWNSHIP OF  
STREET,

NAMES AND DESCRIPTION OF PERSONS ASSESSED.				DESCRIPTION AND VALUE OF REAL PROPERTY.								PERSONAL PROPERTY AND TAXABLE INCOME.				AGGREGATE VALUE OF ALL PROPERTY.		STATUTE LABOUR.		DOGS.		STATISTICS.													
3	4	5	6	7	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34					
Occupation.	Farming, Manuf'd Franchise, tenant, or farmer's son.	Age of assessed party.	Name and address of owner when person named in column two is not the owner.		Non-resident.	School section. P. (Public School) ; S. (Separate Sch.)	Concession, street, square, or other designation.	Number of Lot, house, etc.	Number of acres cleared in townships. Vacant or built on, in cities towns and villages.	Value of each parcel of real property.	Total value of real property.	Value of personal property other than income.					Taxable income.	Total value of personal property and taxable income.	Number of persons from 21 to 60 years old.	Total number of days' labour.	Dogs.	Bitches.	Number of persons in family of person rated as resident.	Religion.	Number of cattle.	Number of sheep.	Number of hogs.	Number of horses.			Birth.*	Death.*	Registered.*	Acres of wood land.	Acres of swamp, marsh or waste land.

Take notice that you are assessed as above specified, for the year 18 . . . If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of Municipality of (insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the Municipality of

(ENDORSED.)

SIR, —Take notice that I intend to appeal against this assessment, for the following reasons :

I am, Sir, your obedient servant,

A. B.,  
Township Clerk  
or Assessment Commissioner.

R. S. O. 1887, c. 193, Sched. B; 51 V. c. 4, s.11; (1,2), 51 V. c. 29, ss. 4, 11 (3).

NOTE.—See sec. 47a in the case of a Municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto.

## SCHEDULE C.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY PARTY COMPLAINING IN PERSON OF OVERCHARGE ON PERSONAL PROPERTY :

I, A. B. (set out name in full, with place of residence, business, trade, profession, or calling), do solemnly declare that the true value of all the personal property assessable against me (or as the case may be), as trustee, guardian or executor, etc., without deducting any debts due by me in respect thereof, is [In case debts are owed in respect of such property; add that I am indebted on account of such personal property in the sum of ] ; and that the true amount for which I am liable to be rated and assessed in respect of personal property, other than income, is

R. S. O. 1887, c. 193, Sched. C.

## SCHEDULE D.

(Section 64, sub-section 14.)

FORM OF DECLARATION OF PARTY COMPLAINING IN PERSON OF OVERCHARGE ON ACCOUNT OF TAXABLE INCOME :

I, A. B. (set out name in full, with place of residence, business, trade, profession or calling), do solemnly declare that my gross income, derived from all sources not exempt by law from taxation, is

R. S. O. 1887, c. 193, Sched. D.

## SCHEDULE E.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY PARTY COMPLAINING OF OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, A. B. (set out name in full, with place of residence, business, trade, profession or calling), do solemnly declare that the true value of my personal property, other than income, is [if there are debts, add : that I am indebted on account of such personal property in the sum of ] ; that my gross income derived from all sources, not exempt by law from taxation, is ; and that the full amount for which I am by law justly assessable, in respect to both personal property and income, is

R. S. O. 1887, c. 193, Sched. E.

## SCHEDULE F.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY AGENT OF A PARTY COMPLAINING OF OVERCHARGE ON PERSONAL PROPERTY :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession or calling), agent for *C. D.* (set out name in full with place of residence and calling of person assessed), do solemnly declare that the true value of all the personal property assessable against the said *C. D.* (or, as the case may be), as trustee, guardian, or executor, etc., is [In case there are debts in regard to the property, add: The said *C. D.* is indebted on account of such personal property in the sum of and that the true amount for which the said *C. D.* is liable to be rated and assessed in respect of personal property other than income is ; and that I have the means of knowing, and do know, the extent and value of the said *C. D.*'s personal property and debts in respect thereof.

*A. B.*

R. S. O. 1887, c. 193, *Sched. F.*

## SCHEDULE G.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF OVERCHARGE ON TAXABLE INCOME :

I, *A. B.* (set out name in full, and place of residence, business, trade, profession or calling), agent for *C. D.* (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the gross income of the said *C. D.*, derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing, and do know, the income of the said *C. D.*

R. S. O. 1887, c. 193, *Sched. G.*

## SCHEDULE H.

(Section 64, sub-section 14.)

FORM OF DECLARATION BY AGENT OF PARTY COMPLAINING OF AN OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, *A. B.* (set out name in full, with place of residence, business, trade, profession or calling), agent for *C. D.* (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the true value of the personal property of the said *C. D.*, other than income, is ; that the gross income of the said *C. D.*, derived from all sources not exempt by law from taxation, is and that the full amount for which the said *C. D.* is justly assessable, in respect of both personal property and income is [If there are debts on account of the property, add: That the said *C. D.* is indebted on account of such personal property in the sum of ;] and that I have the means of knowing, and do know, the truth of the matters hereinbefore declared.

## SCHEDULE K.

(Section 183.)

## FORM OF TAX DEED.

*To all to whom these Presents shall come :*  
 We, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, Esquire, Warden  
 (or, Mayor), and \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, Esquire,  
 Treasurer of the County (or City or Town) of \_\_\_\_\_, Send  
 Greeting :

WHEREAS by virtue of a warrant under the hand of the Warden (or Mayor) and seal of the said County (or City or Town) bearing date the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, commanding the Treasurer of the said County (or City or Town) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (or City or Town) did, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, sell by public auction to \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, together with costs :

Now know ye, that we, the said \_\_\_\_\_ and \_\_\_\_\_, as Warden (or Mayor) and Treasurer of the said County (or City or Town), in pursuance of such sale, and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_, his heirs and assigns, all that certain parcel or tract of land and premises containing \_\_\_\_\_, being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof, we, the said Warden (or Mayor) and Treasurer of the said County (or City or Town), have hereunto set our hands and affixed the seal of the said County (or City or Town), this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_; and the Clerk of the County (or City or Town) Council has countersigned.

A. B., Warden (or Mayor). [Corporate Seal.]  
 C. D., Treasurer.

Countersigned,  
 E. F., Clerk.

R. S. O. 1887, c. 193, *Sched. K.*

## SCHEDULE L.

(Section 14b.)

## FORM 1.

FORM OF AFFIDAVIT BY PERSON CLAIMING TO BE PLACED ON THE ASSESSMENT ROLL AS A VOTER.

I, \_\_\_\_\_, make oath and say as follows :

I am a British subject (by birth or naturalization), and I have resided in this province for the nine months next preceding the \_\_\_\_\_ day of \_\_\_\_\_ in the present year (*the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll*),

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the assessor is making his roll*), and I have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence by the number thereof if any*) and the street or locality whereon or wherein the same is situated, if in

a city, town or village. If the residence is in a township, give the concession wherein, and the lot or part of lot whereon it is situated.)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at                      in the County  
of        this        day of        18        .        }        (Signature of Voter.)

(Signature of J. P. etc.)

(This oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.)

FORM 2.

FORM OF AFFIDAVIT FOR SAME PURPOSE AS FORM 1.

But where the person has been temporarily absent from the municipality.  
I,                      , make oath and say as follows :

I am a British subject (by birth, or naturalization) and I have resided in this province for the nine months next preceding the day of                      in the present year (the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll).

I was at the said date in good faith a resident of and domiciled in (giving name of municipality for which the assessor is making his roll) and have resided therein continuously from the said date, and I now reside therein at (here give the deponent's residence by the number thereof, if any, and the street or locality whereon or wherein the same is situated if in a city, town or village. If the residence is in a township, give the concession whereon and the lot or part of lot whereon it is situated).

And I have not been absent from this province during the said nine months except occasionally or temporarily in the prosecution of my occupation as (mentioning, as the case may be, a lumberman, or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution if absent as student.

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at                      in the County  
of        this        day of        18        .        }        (Signature of Voter.)

(Signature of J. P. or Commissioner, etc.)

(The Oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.)

52 V. c. 5, s. 1. Sched. A. and B.

SCHEDULE M.

(Section 14c.)

CENSUS of all children between the ages of eight and fourteen in the (city, town, incorporated village or township, as the case may be,) of

Name of Child.	Age.	Parent or Guardian.	Residence.

54 V. c. 56, s. 11. Sched. A.



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